

Before N. C. Jain, J.

SHER SINGH,—*Petitioner.*

versus

JANGIR KAUR AND OTHERS,—*Respondents.*

Civil Revision No. 294 of 1990.

9th March, 1990.

Code of Civil Procedure, 1908—Ss. 115 & 151—Implementation of injunction orders—Grant of police help—Absence of express provisions—Whether inherent powers can be invoked.

Held, that wherever there is no provision made in the Code of Civil Procedure for dealing with a particular situation, inherent jurisdiction of the Court under the provisions of S. 151 of the Code can be availed of by a party for the redressal of its grievances. No provisions for implementation of the injunction order having been made by the provisions of the Code, police help can well be sought under S. 151 of the Code. The power to make orders inherent in the court power to implement the same and to achieve this, police help can well be granted under the inherent provisions of S. 151 of the Code. The language of S. 151 of the Code clothes the Civil Courts wide powers to order police help to a person who is unable to implement the same on account of his weakness.

Petition under Section 115 C.P.C. for revision of the order of the Court of Shri S. C. Arora, P.C.S., Sub-Judge II Class, Bathinda, dated 18th November, 1989 dismissing the instant application filed by defendant No. 1.

Claim:—Application U/S 151 C.P.C.

Claim in Revision:—For reversal of the order of the Lower Court.

M. L. Merchea, Advocate, for the Petitioner.

Subash Pathela and Nirmal Singh, Advocates, for the Respondents.

JUDGMENT

Naresh Chander Jain, J.

(1) This revision petition is directed against the order of the trial Court granting police help to the respondents in whose favour the order of injunction was passed.

Sher Singh v. Jangir Kaur and others (N. C. Jain, J.)

(2) The learned counsel for the petitioner has argued that it has been held in *Subal Kumar Dey v. Purna Chandra Giri and others* (1); that police help that could not be given in the cases in which injunction order has been passed. It has further been argued that the two judicial pronouncements relied upon by the trial Court reported as *Rayapati Audemma v. Pothineni Narasimham* (2), and *Sunil Kumar Halder and others v. Nishikanta Bhandari and others* (3), have also been discussed in *Subal Kumar Dey's case* (supra).

(3) After hearing the learned counsel for the parties and after perusing the relevant case law cited at the Bar, this Court is of the view that there is no force in the revision petition. It has been held in *Rayapati Audemma's case* (supra) that the Court can grant police aid under its inherent power as there is no express provisions in the Code of Civil Procedure for this purpose. While interpreting the provisions of punishment in case of violation of injunction order, it has been ruled that the provisions relating to punishment only deal with punishment for disobedience and they do not deal with implementation of the injunction order of the Court. The direction of police help was upheld by the Division Bench in *Rayapati Audemma's case* (supra). In *Sunil Kumar Halder's case* (supra) it was specifically held that the Court can order police protection under the provisions of Section 151 of the Code of Civil Procedure (for short 'the Code'). In *Subal Kumar Dey's case* (supra) the ratio laid down in the two judicial pronouncements, that is, one in *Rayapati Audemma's case* (supra) and the other in *Sunil Kumar Halder's case* (supra) has not been dissented or disapproved. The Court on the other hand, was of the view that the grant of police help was a hasty action on the part of the Court. In view thereof, it can be safely held by this Court that no ratio was laid down by the Orissa High Court. The ratio laid down by the Andhra Pradesh High Court and the Calcutta High Court is squarely applicable to the facts of this case. While following the ratio laid down by the Andhra Pradesh and the Calcutta High Courts, it can safely be held that whenever there is no provision made in the Code of Civil Procedure for dealing with a particular situation, inherent jurisdiction of the Court under the provisions of Section 151 of the Code can be availed of by a party for the redressal of its grievances. No provisions for implementation of the injunction order having been made by the provisions of

(1) A.I.R. 1989 Orissa 214.

(2) A.I.R. 1971 A.P. 53.

(3) A.I.R. 1983 Calcutta 266.

the Code, police help can well be sought under Section 151 of the Code. The power to make orders inherent in the court power to implement the same and to achieve this, police help can well be granted under the inherent provisions of Section 151 of the Code. The language of Section 151 of the Code clothes the Civil Courts wide powers to order police help to a person who is unable to implement the same on account of his weakness. Surely, the orders of the Court once passed are not intended to remain unimplemented simply because a particular person is weak. If the provisions of Section 151 of the Code are to be interpreted differently it would mean that a weak person cannot have the Court's orders implemented and this what precisely would not be the spirit of the law. No judicial pronouncement of this Court has been cited by either of the counsel.

(4) In the view which I have taken above, this revision petition is devoid of any force and the same is consequently ordered to be dismissed. No costs.

P.C.G.

Before J. V. Gupta, A.C.J.

M/S J. C. WOOLEN MILLS, AMRITSAR AND OTHERS,—Petitioners.

versus

STATE BANK OF INDIA, AMRITSAR,—Respondent.

Civil Revision No. 2931 of 1989.

15th May, 1990.

Code of Civil Procedure, 1908—Ss. 115, 151, 152, O. XX, Rl. 6-A, O. XXXIV Rls. 4 & 5, O. XLI, Rl. 1—Execution of decree—Application for correction of judgment and decree by decree-holder—No preliminary decree passed under O. XXXIV, Rls. 4 & 5—No appeal preferred—Executing Court—Whether has power to amend decree.

Held, that no such amendment could be allowed to be made by the Executing Court. Such an amendment, if any, could be sought by the plaintiff from the Court which decreed the suit. Order 20, rule 6A, Civil Procedure Code, provides; the last paragraph of the judgment shall state in precise terms the relief which has been granted by such judgment. It further provides that an appeal may be preferred against the decree without filing a copy of the decree and in such a case the last paragraph of the judgment shall for the