

Petition for Writ of Injunction Denied and Memorandum Opinion filed October 5, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00934-CV

IN RE RINO PUNNOOSE KALATHIL, Relator

**ORIGINAL PROCEEDING
WRIT OF INJUNCTION**

MEMORANDUM OPINION

On October 4, 2010, relator Rino Punnoose Kalathil filed a petition for writ of injunction in this court. *See* Tex. Gov't Code Ann. § 22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Robert J. Kern, presiding judge of the 387th District Court of Fort Bend County to restrain Susan Kalathil, the real party in interest from "prosecuting her 'Petition for Post Divorce Division of Undisclosed Property' in order to preserve this Court's jurisdiction over the subject matter of the pending mandamus, and to prevent Rino from being irreparably harmed."

The purpose of a writ of injunction is to enforce or protect the appellate court's jurisdiction. *Holloway v. Fifth Court of Appeals*, 767 S.W.2d 680, 683 (Tex.1989) (orig.proceeding); *In re Olson*, 252 S.W.3d 747 (Tex. App.—Houston [14th Dist.] 2008,

orig. proceeding). The writ is typically used to protect the subject matter of an appeal or to prohibit an unlawful interference with the enforcement of a superior court's orders and judgments. *See Holloway*, 767 S.W.2d at 683. In this case, there is no appeal pending to be protected, nor is there an allegation of unlawful interference with the enforcement of a superior court's orders. Therefore, a writ of injunction is inappropriate.

Relator has not established entitlement to the extraordinary relief of a writ of injunction. Accordingly, we deny relator's petition for writ of injunction.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Anderson.