

DENY; and Opinion Filed November 27, 2017.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-17-01328-CV

IN RE VENKY VENKATRAMAN, Relator

**Original Proceeding from the 255th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF04-11968**

MEMORANDUM OPINION

Before Justices Lang-Miers, Myers, and Boatright
Opinion by Justice Lang-Miers

In this original proceeding, relator complains that the trial court modified a permanent injunction that is part of the May 4, 2016 Order in Suit Affecting the Parent-Child Relationship. The injunction concerns relator's communications with Coppell Independent School District.

To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Relator has not shown either here. First, the trial court did not abuse its discretion by modifying the permanent injunction because the injunction concerns a continuing situation. *See, e.g., City of Tyler v. St. Louis Sw. Ry. Co.*, 405 S.W.2d 330, 333 (Tex. 1966) (trial court retains the power to change, alter, or modify the equitable relief it granted in an injunction concerning a continuing situation upon a showing of changed circumstances); *see also City of Seagoville v. Smith*, 695 S.W.2d 288, 289 (Tex. App.—Dallas 1985, no writ) (although permanent injunction was a final appealable order, the trial court

retained continuing jurisdiction to change, alter, or modify the injunction upon a showing of changed circumstances). Second, relator has an adequate remedy by appeal. *See City of Tyler*, 405 S.W.2d at 333 (modification of permanent injunction because of changed conditions is reviewable on appeal); *see also In re Schuring*, No. 14-12-00201-CV, 2012 WL 727746, at *1 (Tex. App.—Houston [14th Dist.] Mar. 2, 2012, orig. proceeding) (relators had adequate remedy by appeal of order modifying injunction).

Accordingly, we deny relator’s petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

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