

T. S. 667 of 2022
CNR WBBD080008462022

Order No. 13 Dated 10.09.2025

Today is fixed for hearing.

Both parties are duly represented by their Ld. Advocates.

Plaintiff files a petition praying for extension of ad interim order of injunction which is considered and allowed and extended till next date.

Now, the record is taken up for hearing of the petition under Section 151 of CPC.

Heard both sides.

The plaintiff by filing the instant petition, inter alia, has submitted that this court passed an order of injunction direction both the parties to maintain status quo in respect of the schedule property and the defendant is violating the court's order by installing lock and key over the door. Thus, the plaintiff has prayed for police assistance for the proper implementation of the order of temporary injunction passed by this Court.

Defendant by filing the written objection resisted the instant petition and submitted that the instant petition is not maintainable in law or in facts. It is further submitted that the plaintiff put the lock and key over the main door of the suit building and the plaintiff as per his desire, close and open the said door depriving the defendant to use and possess the suit building though the same is ejmal/ common to the defendant and plaintiff which he admitted in his plaint. The suit building is ejmal/ joint property which has been allotted by the father of the parties namely Nibaran Ch. Das (since deceased) to the parties vide an unregistered family settlement. That the plaintiff is violating the ad interim order of injunction passed by this court. Stating the above, the defendant has prayed for rejection of the instant petition with cost.

Considered. Perused the entire record.

It is no more res integra that the Court may pass an order of police assistance to implement or enforce its judicial orders including the order of injunction passed by the court by invoking the provisions of Section 151 of the Code of Civil Procedure, 1908 in spite of the specific provision as laid down under Order 39 Rule 2A of the Code which provides for penal action that can be taken by the person in favour of whom an order of injunction is in force provided the facts and circumstances leading to the filing of the said application warrant passing of such an order.

Now, keeping in mind the aforesaid settled principle of law, let me to consider the instant application filed by the plaintiff.

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It is the allegation of the plaintiff that the defendants have most illegally put a pad lock on the door of the suit premises but the said contention is vociferously refuted by the defendant by stating that he did not put the pad lock, rather it is the plaintiff who put the pad lock and tried to gain sympathy from the court. In such a circumstance, I am of the opinion that as the defendant has refuted the claim of the plaintiff by filing affidavit, the plaintiff has no impediment to open the door of the suit premises by himself and for this petty matter, a direction to the police is not at all required.

Pertinent to mention here that the document filed by the plaintiff today has no relevancy in disposal of the instant petition.

Hence, it is

Ordered

that the instant application is considered and rejected at this stage.

Fix **27.01.2026** for contested injunction hearing and extension.

D/C by me.

Sd/-

Civil Judge (Jr. Divn.) 1st Court,
Asansol, Paschim Bardhaman.
(WB01335)

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Asansol, Paschim Bardhaman.
(WB01335)