

T.S. 350 of 2022
C.I.S No. 3502 of 2022

Order Dated 10.07.2023

Today is fixed for show cause by defendant and hearing petition under Section 151 of CPC.

Plaintiff files an application for extension for order of ad interim injunction alongwith revised plaint.

Defendant is absent without steps. None moved on repeated calls. Now, its 2.15 PM.

No show cause has filed. Suit proceed ex parte against the defendant.

Heard. Considered.

Let the ad-interim order of temporary injunction be extended till the next date.

Petition Under Section 151 for police help dated 02.02.2023 is taken up for hearing.

Heard Ld. Counsel for plaintiff.

Perused the record carefully. Considered.

It emanates from the record that vide order No.1 dated 03.08.2022 an interim injunction was granted in favour of the plaintiffs in a form of restraining order where the defendant was restrained from dispossessing the plaintiff from the "A","B" and "C" schedule property without due process of law which is extended till today. It is the contention of the plaintiff that defendants in spite of getting an order of court, intentionally violating the same by creating all sorts of disturbance in the matter of peaceful enjoyment of the properties and free egress and ingress of the tenanted properties as described in schedule 'A', 'B' and 'C' property. Hence, this petition.

From the averments of the pleadings prima facie it does not appear that there is any necessity for according police protection to the plaintiffs at this stage until the injunction application is disposed of on merit. Moreover, the plaintiff had not approached before the concerned Police Station nor did they file any G.D.E to substantiate their claim. If at this stage the order of police protection be granted, then taking advantage of the restraining order, greater dangers might occur in the suit property.

For the interest of justice, it is expedient to hear out the injunction application at the earliest.

Hence, it is

Ordered

that the instant petition for police help be and the same is hereby considered and dismissed on ex parte without costs.

Fix 04.09.2023 for exparte injunction hearing.

D/c by me

CJ (Jr. Divn) 2nd Court
Barrackpore

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