

**Present : Smt. Asmita Samajder [J.O Code-WB00956]
Civil Judge (Senior Division), 9th Court at Alipore, South 24- Parganas.**

**Title Execution 30 of 2022
[CNR No-WBSP02-001870-2022]**

Order dt- 07/02/2023

The record is put up today by a put up petition by the Decree Holder.

Decree Holder has filed an affidavit stating that no Misc, Case, Appeal or stay order is in force against the decree passed in the Title Suit being No. 341 of 2021. Decree Holder has also filed writ of delivery of possession along with process fees and three other petitions, respectively praying for shifting back the next date from 20.02.2023 to 10.02.2023, issuance of writ of delivery of possession and breaking open pad lock.

Heard the Learned Advocate of the Decree Holder in full . Perused the petitions and the record carefully . It appears from the materials on record that the writ of delivery of possession was issued vide order dated 19.09.2022, passed by this Court but possession could not be delivered due to the resistance created by the Judgement Debtor. Subsequently the Decree Holder prayed for police help and that petition was allowed on 02.01.2023. On 06.02.2023 a letter was received by this court from the Sub-inspector of Rabindra Sarobar Police Station and it was stated there that the probable date for police assistance is on 10.02.2023.

Hence the prayer for shifting back the next date from 20.02.2023 to 10.02.2023, is hereby allowed.

Considering the petitions and the affidavit, filed today, I am of the opinion that there is no embargo to issue the writ of delivery of possession in this case.

Hence it is

Ordered

That the petitions for issuance of writ and breaking open pad lock filed today, i.e. on 07.02.2023, are hereby considered and allowed .

D/A is directed to issue Writ after proper verification.

The Bailiff is directed to execute the writ of the delivery of khas possession as per the scheduled property mentioned in the Decree passed in Title Suit No. 341 of 2021, by breaking open the pad lock, latches, locks etc if any by the help of the police personnel of Rabindra Sarobar Police Station, on 10.02.2023, and submit the report within 22.02.2023.

Fix 22.02.2023 for bailiffs report.

D/C by me;

Civil Judge (Sr.Divn.)9th Court,
Alipore,South 24 -Parganas.