

IN THE COURT OF DISTRICT JUDGE, BANKURA  
Present : Sri Manojyoti Bhattacharyya (WB00392),  
District & Sessions Judge, Bankura

**Title Suit 01 of 2015**  
**Registration no. T.S. 03/15**  
**CNR No. WBBK01-000954-2015**

Order no. 79  
13.03.2024

Today is fixed for filing W.O by defendant.

Ld. Advocate for the defendant no. 3 has appeared and filed W.O against the petition, filed by the plaintiff dt. 12.02.2024.

Sri Debashis Chatterjee, appeared for the plaintiff.

Sri Tapas Chowdhury appeared for the defendant no. 3.

Record is taken up for hearing in respect of the petition dt. 12.02.2024.

Plaintiff has filed a petition and stating *inter alia* that there is a order of temporary injunction passed by this court on 22.12.2023, where defendant nos. 1 to 3 are restrained from using the trade mark logo and name “Beautiful Bishnupur Mukhpora Bidi” or to displaying the same in their bundle of Bidi at the market for sale till disposal of the suit.

Inspite of that order defendant nos. 1 to 3 are carrying on the bidi business illegally under the name and styled as “Beautiful Bishnupur Mukhpora Bidi”. The plaintiff no.1 has filed a written complain on 11.01.2024 to I/C Bishnupur in this respect. The I/C Bishnupur ordered SI Sujan Ghosh to enquire the matter and accordingly the said S.I of police visited the spot and and found the allegation correct. SI Sujan Ghosh prepared the enquiry report and submitted to the I/C Bishnupur Police station. The I/C Bishnupur has forwarded the same to the present court. The police enquiry report revealed the principal defendant nos. 1 to 3 have been carrying the bidi business under the same trade mark, logo and trade name. So, the plaintiff filed a petition with a prayer for direction upon the I/C Bishnupur to render aid to the plaintiff for proper implementation of the order.

Defendant no 3 had denied all allegations in his W.O and stated that they are not carrying the business using the trade mark, logo and trade name of “Beautiful Bishnupur Mukhpora Bidi”. There was no violation of the court’s order. Police has submitted a false report.

Ld. Advocate Sri Tapas Chowdhury has submitted that the plaintiff has bypassed the provision under rule 2A order 39 of CPC and filed the petition as he has influence on the police.

Sri Debashis Chatterjee Ld. Advocate has submitted that court has power to pass such order under the provision of Section 151 of CPC.

Considered the submission of both sides.

It is a civil suit. The normal procedure in case of disobedience of injunction order, the aggrieved party has to file a case under order 39 rule 2A of the CPC, but there is no bar for the court to issue any order under inherent power as per provision under Section 151 of CPC.

In a civil proceeding court may pass order for police help in case of urgency. In the present case something bizarre happened which create doubt about the activity of police of Bishnupur P.S. In the case court has not passed any order for police action. In the case court has not passed any order for police enquiry. Court has not passed any order for submitting any report. But a report was submitted from Bishnupur P.S through I/C Bishnupur at the instance of complain by plaintiff regarding violation of the order of injunction. Too much activity of police creates wrong perception. In many other cases this court has witnessed police inactivity

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even after passing order, in the present case the Bishnupur P.S was too much interested to produce something before the court when the court has not asked for any report. So, any direction at this stage to the police who has already acted without order may create something wrong in the name of implementation of the order.

If there is any disobedience of court's order of injunction plaintiff has to move before the court as per order 39 rule 2A of the CPC. At this stage, I think court should restrain to pass any order of police involvement after knowing some doubtful activity of police.

The plaintiff's prayer for police help is rejected at this stage.

Send a copy of this order to the Superintendent of police, Bankura with a direction to appoint a competent officer not below the rank of DSP, to enquire about the activity of Bishnupur P.S in a civil case where there is no order of court for submitting any report.

According to this order plaintiff's prayer for police help dt. 12.02.2024 is hereby rejected at this stage.

Fixed 26.04.2024 for PH and report from Superintendent of Police Bankura.

Dictated and corrected by me

Sd/-

Manojyoti Bhattacharyya

District Judge, Bankura

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Sd/-

Manojyoti Bhattacharyya

District Judge, Bankura

Memo no.

Dated.

Copy of the order forwarded to the Superintendent of police, Bankura  
for his information and necessary compliance.

*(Manojyoti Bhattacharyya)*

**District Judge, Bankura**