

Title Suit No. 52 of 2025

CIS No. 52 of 2025

CNR No. WBBK07-000083-2025

Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 04

Dated 10-07-2025

Today is fixed for SR & appearance of the defendants and hearing of petition dated 05-06-2025.

Memorandum of appearance filed by the plaintiff.

No SR has been received yet.

Now, the case record is taken up for hearing the application filed by the plaintiffs under Section 151 of the CPC for police help for maintaining the ad interim injunction order.

The crux of the application is that in violation of the ad interim order of injunction delivered on 22-04-2025 the defendant no.1 has collected building materials with purpose to raise unauthorized construction over the schedule property by violating the injunction order.

Accordingly, the plaintiffs has prayed for a direction upon Officer-in-charge of Indas P.S. to extend police assistance for implementation of the order of temporary injunction.

This Court may rely on the pearls of wisdom enunciated in decision of Hon'ble High Court at Calcutta delivered by Hon'ble Mr. Justice Sabyasachi Bhattacharya in the case of Sri Khokan Gharami and Others vs Sri Deben Mridha and Others delivered in connection with C.O no. 4296 of 2018 on 13-02-2019 wherein it has been observed by the Hon'ble Court, "12. Even on the count of non-maintainability of Section 151, the impugned order runs contrary to all the judgments cited by the parties. It is well-settled that the court can set right a wrong committed by a party in violating an order by not only directing implementation of the order by police help, but in cases even by directing restoration of the suit property to the condition which it was in, previous to such violation. 13. As regards the judgment of the Supreme Court, cited by the opposite parties, the same does no apply to the present case, since there is no specific provision providing for adequate remedy of police help to implement and injunction/status quo order in the Code of Civil Procedure and the only recourse that could be taken was to invoke the inherent power of court under Section 151 of the Code of Civil Procedure".

Plaintiffs filed photocopy of G.D. entry by way of *firisty* and it reflects that information was given to the Officer-in-charge of Indas P.S. as well as SDPO, Bishnupur about the non-maintaining of ad interim injunction order for causing hindrance of possession by the plaintiffs for the inhumane act by the defendant no.1.

Considering the above noted observation of Hon'ble High Court at Calcutta, I have no impediment to allow the prayer of the plaintiff.

Hence, it is,

Ordered,

that the application filed by the plaintiffs under Section 151 of the CPC in regard to the police help is considered and allowed without any order as to costs.

Prima facie from the nature of conflict as appearing from the documents filed that there is apprehension of violation of injunction order by the activities by defendant no.1, the Police authority is under obligation to ensure implementation of all judicial orders and specific direction upon police administration is not at all required. However, for the ends of justice this Court intends to invoke its discretionary power by directing the Officer-in-charge of Indas P.S. to render all necessary police help to the plaintiff for implementation of the injunction order (in its word & spirit) passed by this Court on 22-04-2025 when such assistance is requisitioned by the plaintiff to the suit unless it is otherwise directed by the Court of competent jurisdiction.

This order will be effect ive till 04-12-2025.

Let a copy of this order be forwarded to Officer-in-charge of Indas P.S. for his information and necessary action.

Dealing Assistant is directed to do the needful after filing requisites by the plaintiff.

To **04-12-2025** for SR & AD and appearance of the defendants.

Ad interim order of injunction is hereby extended till the next date.

Update CIS forthwith.

Dictated & Corrected by me.

Sd/- T.Karmakar

Civil Judge (Sr. Divn.), Bishnupur

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