

**Title Suit 121 of 2022**

**Order no. 12 dated: 07.10.2022**

Today is fixed for hearing of the petitions u/s. 151 of CPC for police help and also for petition U/o 1 Rule 10 (2) C.P.C.

The petition u/s. 151 of CPC is taken up for hearing.

Plaintiff filed petition for extension of the order of ad interim injunction.

Heard Ld. Advocate for the plaintiff who submitted that on 31.08.2022 this Court was pleased to pass an order of injunction ex-parte by directing both the parties to maintain status quo with regard to the nature, character and activities as on this day in respect of the 'Ka' schedule property. Defendants Nos. 1 & 2 were also restrained from disturbing the peaceful possession of the plaintiffs forcefully dispossessing her, changing the nature and character by making construction, transferring any portion in respect of the schedule suit property. But during the pendency of the proceedings it is seen that the defendants created all sorts of troubles in the peaceful possession of the suit property by the plaintiff. They are deliberately making construction over the suit property violating the order of interim injunction passed by this Court and even threatening the plaintiff with dire consequences in case of any resistance. Hence the plaintiff prays for directing the O.C of Amta Police Station (Chandrapur outpost) to implement the ad interim order passed by this Court on 31.08.2022.

Ld. Advocate for defendant Nos. 1 & 2 filed one affidavit stating that they have not raised any new construction over the schedule suit property and they do not know who is raising the construction. So they are not liable for any construction on the suit property.

Heard. Considered.

After perusal of the record, it is seen that the Order of injunction was passed by by directing both the parties to maintain status quo with regard to the nature, character and activities as on this day in respect of the 'Ka' schedule property. Defendants Nos. 1 & 2 were also restrained from disturbing the peaceful possession of the plaintiffs forcefully dispossessing her, changing the nature and character by making construction, transferring any portion in respect of the schedule suit property. But from the evidence it is seen that some constructions are going on over the schedule suit property. If such construction is not stopped at this stage then it will lead to multiplicity of proceedings.

Considering the above facts and circumstances I'm inclined to allow the instant application filed by the plaintiff. The plaintiff's prayer for police help is hereby allowed and the Officer-in-charge of Amta P.S is directed to see that the order passed by this Court is implemented in its true spirit and for the ends of justice.

Hence,

**ORDERED**

that the instant application under section 151 of the code of civil procedure filed by the plaintiffs for police help is considered and allowed on contest.

Accordingly the Officer-in-Charge of Amta police station is hereby directed to implement the order of ad interim injunction passed by this court on 31.08.2022 in respect of the suit property in its true spirit and for the ends of justice. The Officer-in-charge of Amta P.S. is also directed to submit the detailed report in respect of the construction and condition over the schedule suit property.

Let a copy of this order along with the copy of the order of temporary injunction passed by this court on 31.08.2022 be sent to the Officer-in-charge of Amta police station for taking necessary action.

Application under Order 1 Rule 10 (2) is taken up for hearing and passing order.

Ld. Advocate for the plaintiff submitted that the persons mentioned in the schedule of petition have purchased some portion of the suit property. They are the necessary parties to the suit. So, proper adjudication of the suit it is necessary that names of the parties mentioned in the schedule be added as parties to the suit.

Ld. Advocate for the defendants raise vehement objection.

On perusal of the record it appears to the Court that the names of the persons mentioned in th schedule of the petitions are the necessary parties to the suit and they should be impleaded as necessary parties for proper and fair adjudication of the suit. So, this Court finds no impediment in allowing this application and allows the names of the persons mentioned in the schedule of the petition to be impleaded as the parties to the suit as the defendants Nos. 25 to 27.

Hence it is

**Ordered**

That the petition dated 23.08.2023, u/Or 1 Rule 10(2) filed by the applicant is hereby allowed on contest without any order as to cost and disposed of.

The name of the parties be added as defendant Nos. 25 to 27.

Plaintiff is directed to file the amended plaint.

Fixing 18.01.2024 for police report and for steps by the plaintiff on the added defendants.

Ad interim order of injunction is extended till date.

**Dictated & corrected by me**

CJ

**Civil Judge (Jr.Div.)  
Amta, Howrah**