

Title Suit – 137 / 2017 (C.I.S. 149 / 2017)  
(C.N.R. WBHW07- 000 192 - 2017)

Order No. 37 dated 21.12.2022

Today is fixed for hearing the application u/S 151 C.P.C. filed by the plaintiffs.

Both parties are present.

Accordingly the application u/S 151 C.P.C. is taken up for hearing.

Heard the ld. Advocate of the plaintiffs who submitted that the legal heirs of defendant No.1 are violating the order of ad-interim injunction passed by this Court on 18.09.2017 in the present suit by cutting down the trees standing on the suit property and by taking away the usufracts from the suit property. Ld. Advocate went on to submit that the aforesaid activities of the said defendants was duly brought to the notice of the officer-in-charge of Amta P.S. but unfortunately no action was taken against the defendants in question nor was any GDE registered by the said P.S. in this regard. For this reason, the plaintiffs were compelled to file the instant application.

On the other hand the Ld. Advocate of the legal heirs of defendant no. 01 vehemently opposed the present application on the ground that the same has been filed on the basis of false and baseless allegations. Ld. Advocate therefore, prayed for rejection of the instant application.

Heard the Ld. Advocates of the parties at length.

Perused the instant application.

Considered.

The claims made under the instant application are quite serious in nature. However, no still photographs were filed from the side of the plaintiffs from which it could be ascertained that several valuable trees have been cut down and the usufracts of the same were taken away from the suit property by the defendants in question. Moreover, the plaintiffs failed to furnish any copy of the complain made by them before the local P.S. in connection with the purported activities of the said defendants. It is pertinent to mention here that the ld. Advocate of the plaintiff had submitted that the local P.S. refused to register any general diary entry in connection with the activities of the said defendants. However, no explanation is forthcoming from the side of the plaintiffs as to what prevented them from sending a copy of their complain to the local P.S. through registered post when their request for lodging of a GDE was turned down by the said P.S. Be that as it may, since the claim made by the plaintiffs relating to the activities of defendant No.1 is not corroborated by any cogent evidence, this Court is not inclined to allow the instant application. Accordingly, the present application stands rejected in terms of the observation made herein.

The instant petition is accordingly disposed of.

To date (24.02.2023) for hearing of the temporary injunction application as well as filing W.S., if any, by the substituted defendants.

D/C by me

C. J. (Jr. Divn.)  
Amta, Howrah  
(JO Code WB 01195)

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