

Title Execution 18 / 2018

Order No. 19 dated 24.03.2025

Today is fixed for order.

DHR filed hazira.

The applicant DHR stated that he filed Title Suit No. 75 of 2014 which was decreed on 16.02.2018. The said decree was put into execution through the instant case Being Title Execution No. 18 of 2018 and writ of delivery of possession was issued in compliance of which the seal bailiff went to the decreetal property but could not deliver the possession thereof unto the decree holder due to resistance and threat by the JDrs and their persons. For the aforesaid reasons the DHR prayed for police assistance for execution of the decree through this application. The DHR further submitted that unless police help is provided the execution of writ and deliver of decreetal property is not possible. So, number of police personnel required is mentioned in the schedule below.

A.S.I- 1 Male, Male Constable - 2, Female Constable - 2

The DHR undertake to pay the entire police cost as will be determined by the police department. The petitioner Omar Faruk Midda was examined as P.W. 1 in this case. The Seal Bailiff Tapan Gharui was examined as P.W. 2 in this case. The report of the Seal Bailiff has been marked as Exbt. 2.

Now it transpires from the deposition of P.W. 1 and P.W. 2 the decree of the Court could not be executed due to the wilful obstruction by the judgment debtor and their men and agents.

The Seal Bailiff in his deposition submits before the Court that as the men and agents of the judgment debtor vehemently objected to handover the possession of the premises by creating disturbances, he cannot handover the vacant possession of the suit premises to the decree holder and without police protection it cannot be properly executed.

Having contemplated the facts and circumstances of the instant case, it is being manifested that due to the presence of likelihood of the breach of peace in the locality, the Seal Bailiff was not in a position to execute the writ. It appears that under such circumstances the petition for police help should be allowed.

Hence, it is

Ordered

That the application dated 23.08.2024 filed by the decree holder is hereby considered and allowed. Decree holder is directed to deposit the cost necessary to get the police protection from the state machinery as will be ascertained by the concerned authority.

Let a letter be issued to the S.P. Paniara, Howrah for ascertaining the cost of police assistance as per the schedule mentioned below:-

A.S.I- 1 Male, Male Constable - 2, Female Constable - 2

D/A is directed to prepare and send a letter to the police authority for ascertaining the cost of the police protection to execute the writ.

To 30.04.2025 for reply from the police authority.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah

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