

T.S. 666 of 2022
CNR no. WBSP0E0009232022

Order no.09 Dated 05.03.2024

Today is fixed for hearing of petition dated 02.01.2023.

Accordingly, the record is taken up for hearing of the instant petition

Plaintiff Saheb Sekh @ Sayeb Ali Sekh filed the instant petition u/s 151 of CPC supported by affidavit, inter alia, submitting that the plaintiff had prayed for an interim injunction before this court and considering the prayer, this court passed the interim order on 30.09.2022, directing both the plaintiff and the defendant are directed to maintain status quo with regard to the nature, character and possession in respect of the schedule suit property, as it stands today till 02.01.2023. The petitioner alleges that in spite of having knowledge about the interim injunction the defendant is trying to dispossess the plaintiff and threatening the plaintiff with dire consequences. So, the plaintiff is praying before this court to implement the interim order through police help otherwise the plaintiff will suffer irreparable loss and injury.

During hearing Id. Counsel for the plaintiff pleads that the situation of status quo is at stake and if I/C Basanti P.S. is not specifically directed to implement the order of the court itself then the sanctity of the order of this court cannot be maintained and moreover the plaintiff will suffer.

Heard. Perused the petition and other materials on record. Considered.

Accordingly the record is taken up for passing necessary order.

From the case record, it appears that vide order no. 02 dated 30.09.2022, this court passed an interim order of injunction which states “directing both the plaintiff and the defendant are directed to maintain status quo with regard to the nature, character and possession in respect of the schedule suit property, as it stands today till 02.01.2023”. The same order is prayed to be implemented through police assistance but the court has not found any serious threat of law and order or public functionality that would attract intervention of the police. In such circumstance, the court refuses the prayer for police help. This is also because police help petition was filed on 20.01.2023 and it is more than one year that no written application or criminal case or any report regarding the allegations upon the defendant has been brought on record apart from one instance dated 31.12.2022. There is no urgency to attract police assistance.

Hence, it is

ORDERED

that the petition dated 02.01.2023 u/s 151 of CPC is hereby considered and rejected.

The petition stands disposed off.

To date **21.05.2024** for S/R & A/D.

A.I. order extended till next date.

D/C by
sd/-

Civil Judge (Jr. Divn.), 2nd Court
Baruipur, South 24 Parganas

sd/-

Civil Judge (Jr. Divn.), 2nd Court
Baruipur, South 24 Parganas