

**In the Court of Civil Judge (Junior Division),  
Lalbagh, Murshidabad**

**Title Suit 22/2021  
CNR No. WBMD07-000058-2021**

Presided Over by : Afshan Nawaz Warsi (J.O. Code : WB01432)

**Order No. 14, Dated : 04/01/2023**

Today is for hearing of the petition under Section 151 of C.P.C.

Plaintiffs file extension petition along with an application under Order VI Rule 17 of C.P.C. and Section 153 of C.P.C.

Defendants file hazira and the plot information in respect of the suit plot.

I have heard the Ld. Advocates of both the sides and considered the materials on record.

The petitioner has filed the instant application for police help under Section 151 of C.P.C. on the claim that the defendants who are stranger person are trying to illegally disturb the peaceful possession of the petitioner over the suit property by obstructing them to carry out the cultivation work on the land of growing various vegetables. The plaintiffs have further averred that in spite of restraining order against them there is clear disobedience of the Order of ad-interim injunction.

The defendants have opposed the application by filing their written objection wherein they have denied all the material allegations levelled against them. According to them, the ad-interim

order of injunction was clearly obtained by restraining the defendants “from making any construction over the suit property without following the due process of law”. However, the allegation levelled against them in the application under Section 151 of C.P.C. is that their crops are damaged and their cultivation works are being obstructed by the defendants. Whereas no such prayer was made in the original application made by the plaintiffs under Order XXXIX Rule 1 and 2 of C.P.C.

Considering the arguments put forward by both the sides and on perusal of record it is observed that the ad interim order of injunction was granted by this Court thereby specifically restraining the defendants from making any construction over the suit property. However, on perusal of the instant application it is observed that there is no whisper or allegations about the fact that any construction work is being carried out in and over the suit premises. On further perusal of the plot information put forward by the defendants to substantiate their status as co-sharer it clearly appears that the plaintiffs and the defendants are in fact co-sharer in the suit plot. Referring to the decision in C.O. 217/2011 the Hon’ble Calcutta High Court has observed that recourse to Section 151 of the C.P.C. can be made where facts are in dispute and the Court is

satisfied that a party bound by an order of injunction has violated and / or disobeyed the same, thereby causing grave and serious injury to his adversary. Bearing in mind the aforesaid principle it is observed that the plaintiffs have not set up a valid claim for police help as no specific relief for making any damage to their crops or obstruction in their cultivation work as claimed in the instant petition was claimed originally in the injunction application. As such the Court is not inclined to order police help merely by relying on the allegation made by the plaintiffs in the instant application for police help.

Hence, it is,

**ORDERED**

that the application under section 151 of C.P.C. is heard, considered and rejected on contest.

Fix 17/04/2023 for hearing of the application under Order VI Rule 17 of C.P.C. and W.O., if any, in the meantime.

D/C by me,

Sd/- K. Sadhukhan

Civil Judge (Junior Division)  
Lalbagh, Murshidabad

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Lalbagh, Murshidabad