

T.Ex. 06 OF 21 CIS 06 OF 21  
CNR WBNP18-000250-2021

05.11.2022.

Today is fixed for argument.

Both sides file hazira.

Jdrs file a petition dt. 05.11.22 praying for recalling the order dt.23.09.22 on the ground stated therein.

Heard the Ld. Adv for both sides.

Considered.

It appears from the record that by filing this petition Jdrs wants to adduce the evidence of OPW-1. But it appears from the record that no written objection had been filed by the Jdrs against the execution case. Consequently, there is no scope to adduce the evidence of OPW. Under the above circumstances, this Court is not inclined to allow the prayer of the Jdrs. Hence, it is ordered that the petition dt. 05.11.22 is hereby rejected on contest and accordingly disposed of.

Now, the record is taken up for hearing of argument.

Argument heard on the part of Dhrrs.

Ld. Adv for the Jdrs asked to conclude the argument and accordingly he prays for sometime to conclude the same. Time is granted to the Ld. Counsel for the Jdrs.

T.Ex. 06 OF 21 CIS 06 OF 21  
CNR WBNP18-000250-2021

Again the record is taken up for hearing of argument on the part of the Jdrs. But Jdrs file an adjournment petition.

Dhrs raised strong objection.

Under the above circumstances and the present position of law it appears to this court that the Jdrs intentionally dragging the execution case where there is no stay from any appellate court from further proceeding in the execution case. So, this Court is not inclined to allow the adjournment petition filed by the Jdrs.

Now, the record is taken up for passing order in respect of petition under Rule 208 C.R.O.

Heard the Ld. Advocate for the Dhrs.

The petitioners have prayed before this court to direct the police authority to give necessary police assistance to the court bailiff at the time of execution of the Writ.

In their petitions Dhrs stated that on 17.05.22 at about 10.30 a.m. when the court bailiff went to the decretal property to execute the writ as per order of this Court, the Bailiff was resisted by the Jdrs. to execute the decree in the suit property. Petitioners also stated that there is every chance of breach of

peace if the said writ is executed without police help.

In support of their petition under Rule 208 C.R.O. Dhr no.2 examined as Pw1 and the concerned bailiff Asgar Ali Mondal has been examined as Pw 2. Entire report of bailiff has been marked as exbt.2 and signature of PW-1 in the bailiff report has been marked as exbt.-1.

From the evidence of Pw1 and Pw2 it appears to this Court that the writ in question could not be executed at that time as there was every chance of breach of peace and the same cannot be executed without proper police help.

In such facts and circumstances, this Court is inclined to allow the petition under Rule 208 C.R.O.

Hence, it is

**O R D E R E D**

that the present petition under Rule 208 C.R.O is hereby allowed on contest without any costs.

The prayer of the Dhurs. for police help at the time of execution of writ is hereby allowed.

T.Ex. 06 OF 21 CIS 06 OF 21  
CNR WBNP18-000250-2021

The petitioners shall have to bear the cost of police help.

The instant Title Execution 06 of 2021 is hereby disposed of accordingly.

Write a letter to the Police Authority for ascertaining costs for rendering police help.

Fix 03-12-2022 for reply from the police authority.

D.A. is directed to take necessary steps.

D/c by me

CJ (Jr. Divn.)  
(JO CODE WB01423)  
Bidhannagar

CJ (Jr. Divn.)  
(JO CODE WB01423)  
Bidhannagar