

Ej Ex 66 of 2024
WBPS01-000266-2024

Order No: 32

Date: 30-07-2026

Today is fixed for awaiting office report and further order.

Decree holder files a money receipt showing payment of police cost, a petition supported by an affidavit for breaking open the padlock at the time of execution of writ on the grounds stated therein. Decree holder also files an affidavit of no stay order.

Record reveals that office report has come and the decree holder has already make payment of police cost and file a money receipt thereof.

As per marginal note of the concerned passing clerk , no stay order has yet been received from any higher forum till today as per A.J. record.

On careful scrutiny of the case record, this Court is of the view that since there is no stay order from any higher forum, there is no impediment to proceed with the execution case.

Now, the petition for breaking open the padlock at the time of execution of writ is taken up for hearing.

Heard Ld. Advocate for the decree holder. Perused the petition and other materials on record.

Considered.

The Ld. Lawyer has prayed for direction upon the Bailiff for breaking open the padlock, if there be any in the suit premises, if it is found during the time of execution of writ of the delivery of possession.

The decree is for delivery of khas possession of the decretal property and if the decretal premises is found closed under lock and key, the same cannot be given the possession to the decree holder.

Considering the above, the Officer/Bailiff entrusted to execute the writ of possession is directed to break open the padlock, if any, in

contd.....

Ej Ex 66 of 2024
WBPS01-000266-2024

Order No: 32 contd....

Date: 30-07-2026

the decretal premises at the time of delivery of possession in terms of the decree. During the execution, if it is found that there are some articles inside the decretal property belonging to the judgment debtor, then he shall deliver the same to the judgment debtor if he is present. In case, the judgment debtor is not present at the time of execution of writ of possession, the Bailiff shall immediately remove the articles and make a list of inventory of the articles found inside the decretal property and entrust the same to the decree holder upon a bond for keeping safe the articles until further order. Thereafter, he shall forward the inventory list along with the report to the Court issuing it.

Inform the police authority and the bailiff concerned accordingly.

Office is directed to issue writ of possession in accordance with law.

Fix **18-08-2026** for delivery of possession and **20-08-2026** for awaiting bailiff report.

Smt. Glady Bomjan
[J.O. Code: WB1039]
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta