

MISC CASE 97/07

1180/14

ORDER NO.105 dt.30/11/18

Petitioner files hazira.

O.P files a prayer for time on the ground that a second appeal has been filed.

There is nothing to so that the second appeal has been admitted.

As such the petitions filed by the Jdr to recall order dt.09/01/18 which is not also affirmed on affidavit is rejected. The Misc. Case is taken up for order.

It appears that this is a Misc Case filed by the Dhr for police help in execution of the decree. The bailiff has been resisted in execution of the decree after going to the decreetal property on 27/03/01. Report to that effect has been filed and marked as Ext.1.

The O.P has also adduced evidence but nothing significant to prevent execution of decree at present is made out.

This Court is satisfied that the decree cannot be executed without police help upon perusal of the evidence of the PW1 being Subhasis Mazumder and PW2 being Narayan Ch. Das who is the seal bailiff.

As such the Misc. case u/o 21 rule 97 CPC is allowed on contest.

Concerned D.C is directed to get the decree executed through police assistance.

Office is directed to write to the concerned D.C about the police cost as per petition.

Office is directed to communicate this order to the concerned D.C along with a copy of the Misc. Case petition.

To 14/01/19 for reply.

D/C by me

Judge, 4th Bench

Judge