

Misc. Appeal 132 of 2026

WBSP01-007079-2026

Order No 8

31.08.2026

The appellant files hazira.

The respondent files hazira.

The respondent files written objection to the petition for police help.

Copy served.

The appellant files affidavit in reply.

Copy served.

Perused the petition dated August 14, 2026 for police help, written objection and affidavit in reply thereto and the other materials on record.

Heard the both sides at length.

It is stated in the petition by the appellant that ad interim injunction in the form of restrain was granted in the appeal in favor of the appellant against the respondent by an order dated June 15, 2026. The appellant has complied the mandate indicated in order 39 rule 3 of CPC.

Despite knowledge of said order of ad interim injunction, the defendant has openly given threat that it would not obey the order. Finding no other alternative, the appellant has filed the instant petition seeking for necessary direction upon the concerned Police Station so that sanctity of the order of this Court be maintained by the parties. Hence, the petition.

The respondent has resisted the petition by filing its written objection thereby denying and disputing the allegations made in the petition against it.

The ld counsel for the appellant submits that if police help is not granted, the very sanctity of the order would be violated by the respondent. He has relied upon the decision – Bangla Prasanna Ghosh v. Islam Mallick & Another – 88 CWN 361.

Contra to it, the ld counsel for the respondent submits that no police help can be granted when there is an order of ad interim injunction. He has relied upon the decisions – (i) Rai Naramma & Others v. State of Andhra Pradesh & Others – 2021 (2) ICC 820 (AP), (ii) M/s. Senthagn Properties v. M/s. S.V.S. Infra Services Pvt. Ltd. – 2021 (3) ICC 187 (Telan.) & (iii) Halim Molla v. Mohibul Molla – 2025 (4) ICC 638 (Cal).

After having consultancy with the instant petition, written objection and affidavit in reply thereto and the other materials on record firstly, I find that by an order dated June 15, 2026 ad interim injunction at the instance of the appellant was allowed restraining the defendant from making any acts or over acts, atrocities,

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threats, violence and attempts of assault against the appellant, his labors, staffs, employees and damages to raw fish products in respect of the suit property till July 15, 2026. I find that said order of ad interim injunction is still in force.

Now it is alleged that despite having knowledge of the said order dated June 15, 2026, the defendant has threatened the appellant that it would not obey the order. It is, however, found that neither the date of threats as alleged is indicated in the petition nor it is indicated that the appellant ever approached the local Police Station against said alleged threat. It seems that the appellant straightway approached this Court without first, agitating the issue before the local Police Station. So, it cannot be said that the police refused to act on the order of ad interim injunction. Viewed thus, I find that this petition is premature one and there is no urgency.

In **Bangla Prasanna Ghosh v. Islam Mallick & Another – 88 CWN 361**, without granting injunction, the Id Munsif directed the parties to maintain status quo and rejected the petition for police help as injunction was not granted. However, in the case in hand, ad interim injunction was granted. So, the factual matrix of the given case is distinguishable with the case in hand. This decision is not profitable in the case in hand.

Though all the three decisions - (i) **Rai Naramma & Others v. State of Andhra Pradesh & Others – 2021 (2) ICC 820 (AP)**, (ii) **M/s. Senthana Properties v. M/s. S.V.S. Infra Services Pvt. Ltd. – 2021 (3) ICC 187 (Telan.)** & (iii) **Halim Molla v. Mohibul Molla – 2025 (4) ICC 638 (Cal)** are factually distinguishable with the case in hand but, the ratio of all the three decisions is that whenever police help is sought for to implement an order of ad interim injunction, the Court should go slow and should not readily grant police help. Meaning thereby, granting of police help by the Court when there is an order of ad interim injunction is not taken away. What is indicated in all those decisions that in such case police help cannot be sought for as a matter of right and unless exceptional case is made out the Court should not readily grant police help simply on the score that there is an order of ad interim injunction.

In the case in hand, it is already found that the appellant has not approached the local Police Station at first instance. It seems that the appellant hurriedly approached this Court. No case is, however, made out in favor of police help in the petition. Conspicuously, there is no material suggesting that there is threat of disobedience of order of the Court by the respondent. In my view, this petition is devoid of merit and thus, liable to be discouraged at once.

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Hence, the instant petition dated August 14, 2026 for police help filed by the appellant is considered and stands **rejected** on contest without cost.

No TCR.

The appeal is taken up for hearing.

Heard the both sides at length.

To **01.09.2026** for judgment.

Interim order stands extended till next date as prayed for.

Office to comply.

d/c.

Sd/-

ADJ, 10th Court,
Alipore

Sd/-

Additional District Judge
10th Court, Alipore
South 24 Parganas
(WB00897)