

Title Execution 03 of 2025 (Reg.03 of 2025)
CNRWBSP07-003277-2025
J.O.Code No. WB01066

Order dtd. 13/01/2026.

Today is fixed for verification and further order.

Decree holder files hazira through Ld. Advocate.

Ld. Advocate for the decree holder prays before the Court to pass direction upon the bailiff for breaking open the padlock and to remove all obstructions as provided under Order 21 Rule 35 CPC.

Heard Ld. Advocate who submits before the Court if the Writ of giving possession be issued without passing necessary order to break open the padlock and to remove all necessary obstructions in that case the Writ will be ineffective and possession could not be handed over to the decree holder by the Court Bailiff.

From the contention to the instant application and submission of Ld. Advocate for the decree holder it is apparent to the Court that the decree holder acts upon mere assumption of resistance and obstruction from the end of the judgment debtor. The Court shall not act on assumption.

The decree holder has failed to show that his assumption holds strong ground.

Unless the Court Bailiff went to the decretal property with Writ of giving possession the actual scenario cannot be clear.

In my considered opinion the petition dated 23.12.2025 filed by the decree holder is found to be premature.

From the record it is found that the judgment was passed on 06.08.2025 and the decree was drawn up on 11.08.2025 and the instant execution petition has been filed on 03.12.2025 which is within two years from the date of drawing up of decree and thus, no need to issue notice upon the judgment debtor seeking show cause.

Let the writ of giving possession of the decretal property be issued at once.

Office to do the needful.

Fixing 03/02/2026 for execution report by the bailiff.

D/C by me,
Sd/-
Civil Judge (Sr. Divn.)
Small Causes Court, Sealdah

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Civil Judge (Sr. Divn.),
Small Causes Court, Sealdah