

Title Suit No. 65 of 2021

Regd No. 57/21

(J.O. Code-WB00823)

Order No.23

dated : 23.02.2023

Today is fixed for hearing of the application u/s 151 of CPC for police help filed by the plaintiff.

Heard the ld advocate on behalf of the plaintiff who submits that the defendants in violation of the order of the ld court is making construction and is changing the nature and character of the suit property and for which police help is required.

Countering the claim of the ld advocate for the plaintiff ld advocate for the defendants submits that from the application for police help it is evident that the same is not maintainable since the plaintiff has prayed to harvest the paddy from the entire suit property which absolutely cannot be allowed. That apart, the plaintiff has obtained the order of injunction only against the defendant no. 1 but the plaintiff has filed the application praying for police help against all the defendants which is not tenable. He has therefore prayed for rejection of the application.

Heard both sides.

Considered.

It is true that the plaintiff has obtained the order of injunction only against defendant no. 1 and hence, plaintiff cannot claim police protection against all the defendants who are not bound by the order of injunction.

Hence, the prayer for police help is allowed in part and only against defendant no. 1 and for the purpose of prevention of changing the nature and character of the suit property only and not for any other purpose.

To 04.04.23 for framing of issues.

D/C

Sd/- Sushmita Gayen
ACJM-cum-CJSD, Kakdwip

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