

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

Before:

The Hon'ble Justice Hiranmay Bhattacharyya

C.O. 3407 of 2025

Aristocrat International Private Limited & Ors.

Vs.

Gouri Shankar Sharma & Ors.

For the Petitioners : Ms. Reshmi Ghosh
Ms. Parna Mukherjee advocates

For the Opposite
Party nos. 1 and 2 : Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Partha Pratim Roy
Mr. B. Kumar
Mr. A. Ali
Mr. A. Lakhotia
...advocates

Heard on : 15.09.2025 and 17.09.2025

Judgment on : 18.09.2025

Hiranmay Bhattacharyya, J.:-

1. This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order being no. 5 dated September 4, 2025 passed by Learned Civil Judge (Junior Division), 1st Court at Barasat, Dist. North 24 Parganas in Title Suit no. 1175 of 2025.
2. By the order impugned, the application under Section 151 of the Code of Civil Procedure filed by the opposite party Nos. 1 and 2 herein praying for implementation of the order of ad interim injunction with police help was allowed.
3. The opposite party nos. 1 and 2 herein filed a suit for declaration that the letter dated July 3, 2025 issued by the petitioner no. 2 as managing director

of the petitioner no. 1 company for cancellation of LOI dated September, 30, 2024 is illegal, arbitrary, bad in law and not binding upon the Opposite party no.1 and 2 and for permanent injunction restraining the petitioner and their men and agent from causing any obstruction in the day to day affairs while running the hotel business and the management of the petitioner no. 1 company in accordance with MOU dated 10.12.2024 without any obstruction or claim from the petitioners.

4. In connection with the said suit the opposite party no. 1 and 2 herein filed an application under Order 39 rule 1 and 2 read with section 151 of the Code of Civil Procedure praying for temporary injunction restraining the petitioners and their men and agents from causing any obstruction in the day to day affairs while running the hotel business and the management of the petitioner no. 1 company in accordance with MOU dated 10.12.2024 without any obstruction and claim of the petitioners till the disposal of the said suit.
5. Upon hearing the plaintiffs/opposite party nos. 1 and 2 herein, the learned trial Judge passed an order dated August 19, 2025 thereby restraining the petitioners and their men and agents from obstructing the running of the hotel business over the suit schedule property by the plaintiffs/opposite party nos. 1 and 2 herein till October 24, 2025.
6. The opposite party nos. 1 and 2 herein filed an application under Section 151 of the Code of Civil Procedure praying for a direction upon the officer-in-charge of local police station to ensure that the order dated August 19, 2025 passed by the learned trial judge was not flouted by the defendants/petitioners and their men and agents and to render police aid to the plaintiffs/opposite party nos. 1 and 2 as and when required.
7. It has been stated in the application under section 151 of the Code that though there is a specific order of injunction passed by the learned trial Judge, the defendants/petitioners are creating disturbance in the peaceful running of the business by the plaintiffs /opposite party nos. 1 and 2 herein and they are also threatening to violate the order of ad interim injunction. It was further stated in the said application that one of the esteemed customers of the plaintiffs /opposite party nos. 1 and 2 has organized a

pilgrimage and in connection therewith made a confirmed booking with the defendants/petitioner no. 1 hotel for accommodation of devotees for the period from 06.09.2025 to 09.09.2025. It has been further stated in the said application that the defendants/petitioner having full knowledge of subsisting ad interim order dated 19.08.2025 is willfully and deliberately violating the same. It has been stated in the said application that plaintiffs /opposite party nos. 1 and 2 being senior citizens having neither the physical capacity nor the adequate means to individually resist the unlawful high-handed and contemptuous act of the defendants/petitioners have prayed for enforcement of the order of injunction with police help to restrain the defendants/petitioners from causing any disturbance, annoyance or obstruction to the guests of the opposite party no. 1 and 2 in the suit premises .

8. The Ld. Trial Judge fixed the hearing of the application under section 151 of the Code of Civil Procedure dated 01.09.2025 on 04.09.2025. On that date the petitioners prayed for time to file written objection to the application under Section 151 of the Code of Civil Procedure. However, the hearing of such application was taken up on 04.09.2025 without granting time to the petitioners to file written objection.
9. Thus, the petitioners were deprived of the right to put forward their case on affidavit in reply to the allegations contained in the application for police help.
10. In course of hearing of the application under Section 151 of the Code Of Civil Procedure it was submitted by the learned Advocate for the defendants/ petitioner before the learned trial Judge that plaintiffs /opposite party nos. 1 and 2 had suppressed the fact that an appeal has been preferred by the petitioners against the order dated August 19, 2025. It was submitted by the learned Advocate for the petitioners before the learned trial Judge that the petitioners filed a Title Suit No. 1150 of 2025 against the opposite party ns. 1 and 2 before the learned Civil Judge, (Junior Division), 1st Court, at Barasat and in the said suit an order of status quo has been passed. It was further submitted that plaintiffs /opposite party nos. 1 and 2

have no status as directors of the company in which capacity they have filed the instant suit.

11. The learned trial judge allowed the application under section 151 of the code of Civil Procedure by an order dated September 4, 2025. The relevant portion of the said order is set out hereunder.

“T.S. No. 1175 of 2025

Order no. 05 dated 04.09.2025

.....

On perusal of the order dated 19.08.2025 it is found that this court granted ad interim injunction on being satisfied with the prima facie case of the plaintiff after perusing the materials on record and documents submitted by the plaintiffs. This court is of the opinion that, unless and until, the order passed by this court is modified or set aside by appellate court, this court, finds no bar in executing its own order. When an allegation has been raised by the plaintiffs that the defendants are making an attempt to violate the said order of ad interim injunction or has violated the order of this court, this court does not find any bar in directing the police to keep vigil so that order passed by this court is obeyed by the defendants. Moreover, there is no question of the defendants being prejudiced if no violation is made on their behalf.

Hence, it is,

ORDERED

that the plaintiffs prayer for grant of police help for implementation of the order of ad interim injunction is allowed.

The Inspector- in- charge of Newtown police station is directed to keep vigil whether the order passed by this court is violated by the defendants and render assistance to the plaintiffs for implementation of the order of ad interim injunction.

The petition filed by the plaintiff is disposed of.”

12. Being aggrieved by the said order the defendants have approached this Court by filing the application under article 227 of the Constitution of India.

13. Ms. Ghosh, learned advocate appearing for the petitioner submitted that challenging the order dated 19th of August, 2025 the petitioners have preferred a misc. appeal no. 126 of 2025 before the learned District Judge, North 24 Parganas. The said appeal has been admitted and a date has been fixed for appearance and for hearing of the stay application. She further contended that without giving any opportunity to the petitioners to file any written objection to the application under Section 151 of the code of Civil Procedure praying for police help, the learned trial judge allowed such application by a non-speaking order. She further contended that the petitioner no. 1 represented by its Director i.e., the petitioner no. 4 filed a suit against the plaintiffs /opposite party nos. 1 and 2 and in such a suit, the selfsame Court passed an order directing both the parties to maintain status quo in respect of running of the business of the company till October 31, 2025. She further contended that an order for police help should not be passed mechanically.
14. Mr. Chatterjee, learned Senior Advocate appearing for the opposite party nos. 1 and 2 disputed the submissions made by the learned Advocate for the petitioners. He contended that the learned trial Judge was of the view that the plaintiffs /opposite party nos. 1 and 2 have been able to satisfy the Court regarding the prima facie case, balance of convenience and inconvenience and urgency of the matter and accordingly passed an order of injunction. He further contended that since the petitioners were deliberately violating and/or flouting the order of injunction passed by the learned trial Judge, it is the duty of the Court to immediately intervene under such situation in order to prevent abuse of the process of the Court and for the purpose of rendering justice. He further contended that unless an order of police assistance was passed in the case of this nature, the petitioners would be successful in their attempt to dispossess the opposite party nos. 1 and 2 from the suit property. He further contended that whenever threat is given to disturb the possession of a party in violation of the order of injunction, such threat is sufficient to grant police help for implementation of the order of injunction. In support of such contention he placed reliance upon an unreported decision of a coordinate Bench delivered

on 5.04.2010 in **C.O No. 3427 of 2009**. Mr. Chatterjee further contended that the learned trial Judge, by the order dated August 19, 2025, has determined the rights of the parties at an interlocutory stage in an unambiguous manner and, therefore, the petitioners rightly approached the Court for police help for protection of the rights determined at the interlocutory stage. In support of such contention he placed reliance upon the decision of this Court in the case of **Halim Molla vs. Mohibul Molla** delivered on 04.07.2025 in **CO No. 2368 of 2025** reported at **2025 Supreme (online) (Cal) 2726**.

15. Mr. Chatterjee learned senior advocate for the opposite party placed reliance upon a decision of the co-ordinate bench in the case of **Paresh Chandra Das vs. Bikash Kumar Das and others** reported at **(2010) 3 CHN 939(Cal)** in support of his contention that an ad interim order of injunction can be implemented through police help. For the same proposition, Mr. Chatterjee placed reliance upon an order dated 11.12.2024 passed by a co-ordinate bench in **CO 1234 of 2024** in the case of **Sk. Belal and others vs. Sulekha Rani Das @ Sulekha Das**.
16. Mr. Chatterjee further contended that inspite of an opportunity being provided to the defendants to file written objection against the plaintiff's application under Section 151 of the Code of Civil Procedure the petitioners did not file any written objection to the application for police help. In support of such contention Mr. Chatterjee placed reliance upon an application for information dated 17.09.2025.
17. Heard the learned Advocates for the respective parties and perused the materials placed on record.
18. It is the specific case of the opposite party nos. 1 and 2 in the plaint of Title Suit no. 1175 of 2025 that on 01.11.2024 the defendant nos. 2 and 3 handed over the physical possession of the suit premises i.e. the leasehold hotel premises of defendant no. 1 company situated at 16-1111, plot no. AH, 5, AH Block, Action Area, New Town, Kolkata 700156 on "as is where is basis".
19. The plaintiffs/opposite parties have admitted in the application for injunction that the defendant nos. 2 and 3 have retained the defendant nos.

4 to 6 in key positions of the hotel premises of the defendant no. 1 as the defendant no. 4 continued working at the Administrative Department, defendant no. 5 continued working as stores-in-charge and the defendant no. 6 continued working as Accounts Manager in the Defendant no. 1 company.

20. In view of such positive assertion in the plaint and injunction application a doubt arises as to whether the plaintiffs or the defendants were in possession and/or control of the hotel business as on 19.08.2025 i.e., the date when the ad interim order of injunction was passed.
21. Though the prayer for time to file the written objection to the application under section 151 of the Code of Civil Procedure was not allowed, yet it appears from the order impugned that the petitioners have brought to the notice of the learned trial judge in course of hearing of the application under Section 151 of the Code of Civil Procedure that the petitioner no. 1 represented by the petitioner no. 4 filed a Title Suit no. 1190 of 2025 against the plaintiffs /opposite parties and an order of status quo has been passed.
22. Record reveals that the petitioner herein filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure in Title Suit No. 1190 of 2025. It was specifically stated in the said application for temporary injunction that Gouri Shankar Sharma was appointed as one of the directors of the hotel M/s. Aristocrat International Pvt. Ltd. and on 30.09.2024, MOU was executed between M/s Aristocrat International Pvt. Ltd. and Gouri Shankar Sharma who agreed to pay an agreed sum as consideration for taking over 56% of the shareholding of the hotel and thereafter the balance 44% will be taken over after further payment. It was further stated that one Nazia Hussain the defendant no. 2 in Title Suit No. 1190 of 2025 was appointed as Deputy General Manager on 01.11.2024 and since the defendant no. 2 started indulging in all sorts of illegal activities, she was removed from the post of directorship. It was specifically stated in the application for the temporary injunction that the opposite party no. 1 herein without the consent of the petitioner no. 1 and its Board of Directors invested the third party fund in the account of the petitioner no. 1 without the knowledge and consent of the petitioner no. 1 and handed over 3 cheques only as part

consideration which was dishonoured. It is further stated in the said application that on 28.07.2025 the other directors of the defendant no. 1 company physically removed the plaintiffs from the office of the petitioner company.

23. After going through the case made out by the respective parties it appears to this Court that there is a serious dispute as to whether the plaintiffs /opposite party nos. 1 and 2 or the defendants/petitioners were in possession of the suit property as on the date of passing of the order dated August 19, 2025. It would be relevant at this stage to point out that the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24 Parganas passed an ad interim order of injunction on 19.08.2025 restraining the defendants/petitioners and their men and agents from obstructing the running of the hotel business over the suit schedule property by the plaintiffs /opposite party nos. 1 and 2 till October 24, 2025. The same learned Judge on August 21, 2025 passed an order directing the parties to maintain status quo in respect of the running of the business of the petitioner no. 1 company till October 31, 2025 in Title Suit no. 1190 of 2025.
24. It is evident from the records that the order dated 19.08.2025 in T.S. No. 1175 of 2025 was passed on the basis of the averments contained in the plaint and the affidavit of the plaintiffs in that suit. It is further evident from the order dated August 21, 2025 in T.S no. 1190 of 2025 that the said order was passed on the basis of the averments contained of the plaint and the affidavit of the plaintiffs in Title Suit No. 1190 of 2025.
25. After going through the orders dated 19.08.2025 in Title Suit No. 1175 of 2025 and 21.08.2025 in Title Suit No. 1190 of 2025, this Court finds that the learned trial Judge was of the view that the plaintiffs of the respective suits have been able to satisfy the Court regarding *prima facie* case in favour of the respective plaintiffs and after weighing the balance of convenience and inconvenience and urgency was of the opinion that an *ad interim* injunction in the suit property will be apt and proper in the facts and circumstances of the case.

26. The learned trial judge passed an order of injunction in favour of the plaintiffs/opposite parties herein in T.S. No. 1175 of 2025 without recording any finding as to whether the plaintiffs/opposite parties are in possession and control of the hotel business. Therefore, this Court is not inclined to accept the contention of Mr. Chatterjee that the rights of the parties have been determined at the interlocutory stage in an unambiguous manner.
27. This Court finds that in the suit and the countersuit, *ad interim* orders of injunction in favour of the respective plaintiffs in respect of the self same subject matter have been passed by the same Court in a gap of two days.
28. To the mind of this Court, an order directing the police to implement the *ad interim* order of injunction dated 19.08.2025 passed in Title Suit No. 1175 of 2025 would amount to interfering with the order dated 21.08.2025 passed in T.S. No. 1190 of 2025. It would also virtually render the *ad interim* order of injunction dated 21.08.2025 passed in Title Suit No. 1190 of 2025 nugatory which is impermissible.
29. Mr. Chatterjee learned Senior Advocate for the opposite parties would strenuously contend that by the order dated 01.09.2025 the petitioner was provided an opportunity to file the written objection against the plaintiff's application under Section 151 of the Code of Civil Procedure. In support of such contention, Mr. Chatterjee placed strong reliance upon the information supplied on 17.09.2025 pursuant to an application for information filed by the learned advocate for the plaintiffs/ opposite parties.
30. The opposite parties sought for information as to whether, by order dated 01.09.2025, the learned Court has provided opportunity to the defendants to file written objection against the plaintiff's application under Section 151 of the C.P.C. or not. In reply to the said question the following answer was given in the remarks column which is extracted hereinafter-

“Yes. Considering the nature of the application heard verbal submission of the defendant as he was ready for making verbal submission”

31. The order dated 01.09.2025 has not been produced before this Court. The expression “Yes” would imply that an opportunity was provided to the defendants to file the written objection against the plaintiff’s application under Section 151 of the Civil Procedure Code but the remarks appearing after the word “Yes” would imply that considering the nature of the application the verbal submissions were heard. From the said information it is not clear to this Court whether a time was fixed for filing written objection.
32. Even if the contention of Mr. Chatterjee is accepted that an opportunity was provided to the petitioners to file written objection to the application for police help, the question arises whether the verbal submissions were considered while passing the impugned order. It is evident from the impugned order that the fact of pendency of an appeal against an order dated 19.08.2025 and an order of *status quo* passed in Title Suit No. 1190 of 2025 was specifically raised in course of argument by the learned Advocate for the defendants/petitioners herein. However, such submissions were not considered by the learned trial Judge while allowing the prayer for police help. The learned trial Judge inspite of being made aware of the subsistence of an order of status quo passed in another suit in respect of the self-same subject matter did not consider the effect of such order while allowing the prayer for police help. Non-consideration of the points raised in course of argument which are relevant to arrive at a decision is a ground for interference under Article 227 of the Constitution of India.
33. A coordinate bench in the case of **Joydeb Das vs. Khandubala Das reported at (2012) 1 CHN 300** held that in appropriate cases where (I) facts are not in dispute, and (II) the court is satisfied that a party bound by an order of injunction has violated and/or disobeyed the same, (iii) thereby causing grave and serious injury to his adversary. (IV) ends of justice demands the Court’s interference by granting immediate relief to the party suffering injury, that recourse to Section 151 of the Code may be had for setting things right. It was further observed in the said decision that in a case where allegations made in the application under Section 151 of the Code have been denied by the other side, it was obligatory for the Trial

Court for arriving at a definite conclusion on the rival claims to allow the parties to lead evidence. In the absence of such evidence it may be difficult for the trial Court to return a specific finding that a party to the proceeding indulged in acts of violation of or disobedience to the order of injunction. It was further held that a party to the lis ought not to suffer an order merely on the allegation made by a party in the absence of proof of facts alleged.

34. In **Halim Molla** (supra), this Court held that an ad interim order of injunction cannot be said to have determined the rights of the parties at an interlocutory stage in an unambiguous manner as the same was passed only upon hearing the plaintiffs and on the basis of the affidavit filed by the plaintiffs. It was further held therein that the Court shall not direct enforcement of an interim ex parte order with police aid and only a final order under Rule 1 and Rule 2 of Order 39 of the Code can be enforced with the assistance of the police.
35. In **Halim Molla** (supra) it was held thus-

*“52. A question arose in **Kochupennu Ambujakshi And Ors. vs Veluthakunju Vasu Channar And Ors.** reported at **AIR (1993) Kerala 62** as to whether the assistance of the police can be requested for to enforce an ad interim order of injunction. It was observed that it has to be made clear that such an order is only an ex parte order passed by the Court upon being satisfied that the purpose of the injunction order would be defeated in case notice is directed to be issued to the opposite party. The position is different in the case of a final order passed in an injunction petition. The observation made in a decision in the case of **George Mirante vs. State of Kerala** reported at **1990 (2) KLT 89** was reiterated that it would be premature and dangerous to enforce ex parte order of injunction as such orders are issued on the basis of averments contained in the plaint and affidavit of the plaintiff. The true picture emerges only after hearing both sides and for such reason it was held that it is imperative that police should not be allowed to intervene or interfere at this stage in matters of possession which entail civil disputes, especially when the matter is one in the interlocutory stage of proceedings. It was held that the Court shall not direct enforcement of an interim ex parte order with police aid and only a final order passed under Rule 1 and Rule 2 of Order XXXIX of the Code can be enforced with the assistance of the police.*

*53. The Hon'ble Supreme Court in the case of **P.R. Murlidharan vs. Swami Dharmananda Theertha Padar** reported at **(2006) 4 SCC 501** held that police protection can be granted when the Court is approached for protection of rights declared by a decree or by an order*

passed by a Civil Court. It has been clarified that it cannot be extended in cases where rights have not been determined either finally by the civil court or at least at an interlocutory stage in an unambiguous manner.

54. It therefore, follows that when the rights of the parties have been determined either finally by the Civil Court or at least at an interlocutory stage in an unambiguous manner, the party can approach the Court for police help for protection of the rights declared by a decree passed by a Civil Court or at the interlocutory stage in an unambiguous manner.

55. The ad interim order of injunction passed by the learned trial judge on 18.12.2024 cannot be said to have determined the rights of the parties at an interlocutory stage in an unambiguous manner as the same was passed only upon hearing the plaintiff and on the basis of the affidavit filed by the plaintiff.

56. This Court, therefore, holds that the learned trial judge was not right in passing an order of police help to implement an ad interim order of injunction which was passed only after hearing the plaintiff/opposite party herein.”

36. In C.O. No. 3427 of 2009, the co-ordinate bench held that actual invasion of the petitioner's right of possession in the property in violation of the order of injunction is not necessary for granting police help for implementation of the order of injunction. The said decision is not an authority for the proposition that an *ad interim* order of injunction can be enforced with police help without considering the objections raised in course of hearing when a factual dispute is raised as to who was in possession as on the date of passing of an *ad interim* order of injunction. Therefore, the said decision cannot assist the opposite parties.
37. In the case on hand, whether the opposite party nos. 1 and 2 or the petitioners were in possession of the suit property as on 19.08.2025 is a disputed question of fact which requires an adjudication. The question of protection of possession would arise after it is determined which party is in possession.
38. The learned trial Judge, by the order impugned, allowed the prayer for police help only on the ground that an allegation has been made by the plaintiffs/opposite party nos.1 and 2 that the defendants/petitioners are

making an attempt to violate the ad interim order of injunction or has violated the order of the Court.

39. Thus it appears that the learned Trial Judge proceeded to pass an order for police help merely by relying upon the allegations made by the Opposite party nos. 1 and 2 herein as would be evident from the impugned order extracted hereinbefore. Such an approach has been deprecated in **Joydeb Das** (supra). It is further evident from the impugned order that the learned trial Judge did not return a specific finding that the petitioners indulged in acts amounting to violation of or disobedience to the order to injunction. The order of police help was passed on the ground that the defendants/petitioners will not be prejudiced. The grounds on which the prayer for police help was allowed cannot be supported by this Court.
40. In **Paresh Chandra Das** (supra) an ad interim order of injunction was passed directing the parties to maintain status quo in respect of the nature, character, possession and transfer of the suit properties for a limited period. The said ad interim order of injunction was extended from time to time. Thereafter an application under Section 151 of the Code of Civil Procedure praying for police help was filed which stood rejected by the order which was challenged in the Civil Revision Application. The co-ordinate bench was of the view that neither party can be allowed to change the nature and character of the suit property either by raising any construction or by demolishing any part thereof so long as the interim order of injunction is in operation and in the light of such observation the prayer for grant of police help for implementation of the order of injunction was passed. The said decision is distinguishable on facts as the application for police help in the said reported case was filed after the ad interim order of injunction was extended from time to time and also that the police help was allowed on the allegation that the defendants were trying to raise construction in the suit property. No dispute as to possession of the parties as on the date of passing the ad interim order of injunction appears to have been raised in the case of **Paresh Chandra Das** (supra). Thus the said decision cannot be of any assistance to the opposite parties herein.

41. In **Sk. Belal** (supra) the co-ordinate bench noted that the learned Trial Judge after taking note of the objection raised by the defendants was pleased to allow the application for police help. The said decision is distinguishable on facts as the objections raised by the petitioners herein by way of verbal submission through the learned advocate in course of hearing were not taken into consideration by the learned Trial Judge while allowing the prayer for police help. That apart the co-ordinate bench in **Sk. Belal** (supra) observed that a similar view has been taken by a co-ordinate bench in **Sunil Kumar Halder and others vs. Nishikanta Bhandari and others** reported at **AIR 1983 Cal 266**.
42. In **Sunil Kumar Halder** (supra) upon a contested hearing the learned trial Judge passed an order of injunction in favour of the petitioners and the opposite party went on with the construction work causing interference with the petitioner's possession. On such facts the co-ordinate bench after noting that the learned trial judge rejected the application without any reason whatsoever allowed the prayer for police help. **Sunil Kumar Halder** (supra) is not an authority for the proposition that an ad interim order of injunction can be implemented with police help.
43. It is well settled that an order for police help should not be made on the mere asking of a party and the inherent powers under Section 151 of the Code should be exercised with much care, caution and circumspection. In the instant case, the learned trial Judge exercised its inherent powers mechanically at the mere asking of the plaintiff/opposite parties herein, which is impermissible.
44. In view of the aforesaid discussion, this Court holds that the order dated August 19, 2025 did not determine the rights of the parties at the interlocutory stage as the same was passed on the basis of the averments contained in the plaint and the affidavit of the plaintiff. This Court is, therefore, of the considered view that such an order cannot be enforced with the aid of police.
45. To the mind of this Court the learned trial Judge was not right in directing implementation of the ad interim order of injunction with police help. For all the reasons as aforesaid, this Court is inclined to interfere the order

impugned. Accordingly, the order impugned allowing the grant of police help for implementation of the ad interim order of injunction stands set aside.

46. The Civil Revision application stands allowed.
47. There shall be, however, no order as to costs.
48. It is, however, made clear that the observations made hereinbefore are only for the purpose of supporting the ultimate conclusions arrived at by this Court and the same shall not prejudice the parties before other fora.
49. Urgent photostat certified copies, if applied for, be supplied to the parties upon compliance of all formalities.

(HIRANMAY BHATTACHARYYA, J.)

(P.A.-Rumela)