

40. **16.09.2025**
 Court No.06.

(Pritam)

CO 3443 of 2025

Bablu Mondal

-Vs.-

Anjali Mondal.

Ms. Shohini Chakraborty,
Mr. Sayantan Bose,
Ms. Priyanka Gope.

....for the petitioner.

Mr. Krishnendu Bera,
Ms. Debolina Chakraborty.

.....for the respondent.

1. This application under Section 227 of the Constitution of India is at the instance of the judgment-debtor and is directed against an order dated August 25, 2025 passed by the learned Civil Judge, Junior Division, 1st Court, Arambagh, Hooghly in Title Execution No.3/2009.
2. By the impugned order, the application under Section 151 of the C.P.C. praying for rendering adequate police assistance at the time of execution of the decree stood allowed.
3. After going through the impugned order, this court finds that the record of the execution case was taken up on August 25, 2025 by way of a put-up petition by the decree holder through her learned advocate and on such date, the decree holder filed one petition under

Section 151 of the Code of Civil Procedure for police help at the time of the execution.

4. Ms. Chakraborty, learned advocate appearing for the petitioner submits that the prayer for police help was allowed without serving a copy of such application upon the judgment debtor/petitioner herein. The execution case was taken up for consideration and the application under Section 151 of the CPC was heard on August 25, 2025 without even giving an opportunity of hearing to the petitioner.
5. The learned advocate appearing for the decree holder/opposite party submits that the Bailiff went to the decretal property for delivering possession of the property to the decree holder. On that date, the judgment-debtor obstructed the Bailiff and the local police somehow rescued the Bailiff on that date. He submits that on such facts, the decree holder filed a put-up petition to apprise the learned executing court of such fact and accordingly filed an application under Section 151 of the CPC. Without police assistance, the decree cannot be executed by the Bailiff.
6. However, learned advocate appearing for the opposite party, in his usual fairness, submits that a copy of the application under Section 151 of the CPC for police help was not served upon the petitioner. The put-up petition was also not served upon the petitioner.

7. Thus, it is evident that the impugned order was passed behind the back of the petitioner. It is well-settled that an order of police help has to be passed after giving an opportunity of hearing to the other side. For such reason, this court is inclined to interfere with the order impugned. Accordingly, the impugned order is set aside.
8. The opposite party is directed to serve a copy of the application under Section 151 to the petitioner or upon the learned advocate for the petitioner on or before September 19, 2025. If such application is served within the time-limit as mentioned hereinbefore, the petitioner will be at liberty to file a written objection to such application on or before the next date fixed after serving an advance copy of such objection at least one day prior to the next date of hearing. Since 25th September, 2025 is the date fixed in the execution case, the learned Civil Judge, Junior Division, 1st Court at Alipore is requested to take up the hearing of application under Section 151 of the CPC on the next date fixed and dispose of the said as expeditiously as possible without granting any unnecessary adjournments to either of the parties.
9. However, it is made clear that this court has not gone into the merits of the application under Section 151 of the CPC praying for police help and the learned judge of the executing court shall consider and decide the same in accordance with law after giving an opportunity of

hearing to the respective parties by passing a reasoned order.

10. With the above observations, CO 3443 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)