

02.09.2021
Item No.7
Ct. No.7
CHC

**C.O.418 of 2021
(Via Video Conference)**

**Afjal Miya alias Afjal alias Afjal Mia alias Afjal
Hossain & ors.**

Vs.

Chand Mohammad & ors.

Mrs. Juin Dutta Chakraborty
...for the petitioners

The impugned order no.141 dated 16th January, 2021 passed by learned Civil Judge (Junior Division), 2nd Court, Malda, in Title Execution Case No.08 of 2008, directing the decree-holder to deposit Rs.50,653/- more for executing the decree with police help is the subject of challenge in this revisional application.

Learned advocate Mrs. Juin Dutta Chakraborty, appearing for the plaintiffs/decrees-holders submits that the suit was instituted in the year 2001 and finally the suit was ended in decree on 26th September, 2008. The decree-holder applied for police help to get the decree into execution. It was a suit for declaration and recovery of possession.

The attention of the Court is drawn to page 30, being Annexure-‘B’ to the instant revisional

application, wherefrom it appears that petitioners/decreed-holders deposited Rs.9131/- by "T. R. Form No.7" on the strength of an order dated 06.01.2016 for the deployment of police force for executing the writ of possession as per order of the executing court.

Mrs. Dutta Chakraborty, learned advocate for the petitioners once again makes me to travel to page 41 of the instant revisional application, wherefrom it appears that the decreed-holder again deposited Rs.62,811/- by "T.R. Form No.7" as per order no.90 dated 5th July, 2017 for deployment of police force for executing the writ of possession as per direction of the executing court.

It is contended by Mrs. Dutt Chakraborty that even after depositing the costs of police help twice, as referred hereinabove, petitioners/decreed-holders by the impugned order has again been directed to deposit Rs.50,653/- more to give effect to the decree with police help.

It is further contended that such direction to deposit further amount by the impugned order is absolutely illegal, and the executing court being oblivious of such previous deposits of costs, as regards deployment of the police force, has again directed to deposit Rs.50,653/- more to give effect to the decree with police help.

It is not in dispute that the decree has to be executed with the help of police. Since the point involved in this case is very short, it requires no extensive hearing and the matter may be disposed of right now without securing presence of the opposite parties. Accordingly, service upon the opposite parties stands dispensed with.

Having considered the submission of learned advocate for the petitioners/decreed-holders, the instant revisional application may be disposed of giving direction mentioned as hereinunder.

Learned Civil Judge (Junior Division), 2nd Court, Malda in Title Execution Case No.08 of 2008, is directed to take into account the previous deposits of costs for police help by decreed-holders already made for the deployment of police force to give effect to the decree, and assess the actual costs to be payable by the petitioners for giving effect to the decree.

It is further clarified that if any further deposit is required to be made afresh, a report from the S.P. Malda may be obtained, and there should be an adjustment of the amounts already deposited by the decreed-holder for the deployment of police force to give effect to the decree.

Such exercise has to be completed within three months from the date of communication of this order so that the fruits of the decree may be executed and

the possession may be delivered to the decree-holders upon executing the terms of the decree.

With the above observations/directions, the instant revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)