

CO No.1246 of 2021

Sri Biswajit Das
Vs.
Smt. Anima Rani Das and others
(Via video conference)

Mr. Kushal Chatterjee

.... for the petitioner

In view of the nature of the order proposed to be passed, no prior service of notice on the opposite parties is deemed necessary.

Learned counsel for the petitioner points out that, pursuant to an order of injunction passed in favour of the petitioner in the petitioner's suit, police help was granted to implement the said order in view of the petitioner's allegation that the defendants/opposite party nos.1 to 3 were violating the order.

However, several 'compliance' reports followed and ultimately it was indicated by the police that the same court, which had passed the orders of injunction and police help in favour of the petitioner, had previously granted a contrary order

in a different suit, filed by the opposite party nos.1 to 3, wherein the present petitioner suffers from an order of injunction.

However, learned counsel contends that the injunction order passed in the opposite parties' suit bearing Title Suit No.58 of 2021 had been vacated vide Order No.7 dated April 8 of 2021.

Unfortunately, on the same date, that is, April 8, 2021 in the petitioner's suit (Title Suit No.363 of 2019), the impugned Order No.22 was passed, whereby the court merely kept on record the clarification of the S.I., Khardah P.S., without taking into account the fact that the hindrance to implementation of the injunction order in favour of the present petitioner was no longer there in view of the injunction in Title Suit No.58 of 2021 having already been vacated on the same date, that is, vide Order No.7 dated April 8, 2021 passed in Title Suit No.58 of 2021.

The purpose of justice will be sub-served in the event the trial court is directed to take cognizance of the order dated April 8, 2021 passed in Title Suit No.58 of 2021 in reconsidering the fate of the implementation of the injunction granted in favour of the petitioner in the latter's suit.

Accordingly, CO No.1246 of 2021 is disposed of by directing the Civil Judge (Junior Division), Second Court at Barrackpore, District: North 24 Parganas to direct the police authorities to take immediate steps pursuant to its own order of police help bearing Order No.17 dated January 13, 2021 and ensure compliance of the said order, by taking into account Order No.7 dated April 8, 2021 passed in Title Suit No.58 of 2021, whereby the injunction order passed in the said suit had been vacated.

It is expected that the trial court shall complete such exercise and ensure compliance of its injunction order passed in Title Suit No.363 of 2019 at the earliest, preferably within one month from the date of this order to the court below.

The petitioner shall communicate this order, along with server copy thereof, on the court below as well as the opposite party nos.1 to 3 and/or their learned advocate(s) appearing in the court below at the earliest to ensure due compliance of the order.

The parties as well as the court below shall act on such written communication, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)