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**C.O. 1530 of 2021**

**Ratan Lal Gaggar  
Vs.  
Rajesh Upadhyay & Ors.**

Mr. Ajay Gaggar,  
Mr. Subhajit Ghosh,  
Mr. Uttiyo Mallick.

...for the Petitioner.

Mr. Saptangshu Basu, Sr. Adv.,  
Mr. Dhiraj Triveni,  
Ms. Mrinalini Majumdar.

...for the Opposite Parties.

The impugned order dated 18<sup>th</sup> July, 2021 passed by the learned Judge, 7<sup>th</sup> Bench, City Civil Court at Calcutta in Title Suit No.497 of 2021 directing the petition filed by the petitioner under Section 151 of the Code of Civil Procedure, for police help to be kept with the record, and be put up on the date fixed, is the subject challenge in this revisional application.

Mr. Ajay Gaggar, learned Advocate representing the petitioner/plaintiff adverting to order No.2 dated 7<sup>th</sup> April, 2021, passed in the Title Suit No.497 of 2021 of the learned 7<sup>th</sup> Bench, City Civil Court at Calcutta, submits that the petitioner has already been favoured with ad-

interim order of injunction directing the parties to maintain status quo regarding nature, character and possession of the suit premises.

It is contended by the learned Advocate for the petitioner that during the enforcement of the ad-interim order of injunction, defendants have put a padlock in the common toilet deliberately making violation of the ad-interim order of injunction and as a result of which, the petitioner has been facing much difficulties in using the common toilet. Thus for the enforcement of the ad-interim order of injunction, petitioner has already taken out an application under Section 151 of the Code of Civil Procedure praying for police help, which has been directed to kept with record and be put up on the date fixed, without passing even any order for service of the same upon the opposite parties. Fixation of a date for hearing of such petition for police help, upon consideration of the urgency involved in the matter under reference, is of highest importance in this case, Mr. Gaggar argues.

Mr. Saptangshu Basu, learned Senior Advocate representing the opposite parties/defendants submits that the petition seeking police help under Section 151 of the Code

of Civil Procedure, has been filed upon resorting to a put up petition, and it was not the scheduled date of hearing fixed by the learned court below. Mr. Basu denies the allegation to have made deliberate violation of the ad-interim order of injunction granted in this case.

The point requires to be addressed is very short requiring no extensive hearing, and the same may be decided right now giving a suitable direction so that the controversy now raised by the petitioner, may be set at rest by the learned court below.

This is not an appeal preferred against the ad-interim order of injunction. It does not require any mention that for the alleged violation of the ad-interim order of injunction, enough remedy is left open, as contained in the Code of Civil Procedure, which the petitioner is at liberty to take recourse to.

Emphasis is made in course of hearing for expeditious hearing of a petition under Section 151 of the Code of Civil Procedure praying for police help. It is learnt that the next date before the court below is fixed on 1<sup>st</sup> October, 2021.

Having considered the submissions of both sides, the instant revisional application be disposed

of with a direction upon the learned court below to dispose of the pending application, under Section 151 of the Code of Civil Procedure seeking police help, without granting unnecessary adjournment, after providing sufficient opportunity of hearing to either of the parties to this case.

In doing such exercise, the next date fixed before the court below may be suitably utilised for the purpose, or if for any reason whatsoever, the same could not be effectively utilised, the application may be disposed of within four weeks thereafter providing a scope of hearing for the purpose, so that the opposite parties/defendants may be provided with sufficient opportunity to file written objection against the petition for police help for this purpose.

With this observation and direction, the revisional application stands disposed of.

Urgent xerox certified copy of this order be given to the parties on usual undertaking.

**(Subhasis Dasgupta, J.)**