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C.O. 2356 of 2022

**Sri Ajit Kumar Bhattacharjee
Vs
Sri Terevice Vincent Lappert**

Smt. Sohini Chakraborty,
Ms. Prajaaini Das,
... For the Petitioner.

Mrs. Sohini Chakraborty, learned advocate appearing for the petitioner, while assailing the impugned order dated 13th May, 2022, passed by learned Civil Judge (Junior Division), 1st Court, Durgapur passed in Title Execution Case No. 05 of 2010, submits that the court below has not considered the bailiff's report, and the affidavit enclosed with the application seeking police assistance, while making rejection of the prayer for police assistance to execute the decree.

Adverting to the words 'used' in Order 21 Rule 97 C.P.C., read with Section 208 of CRO, Mrs. Chakraborty submits that no special format is prescribed to propose police assistance to execute the decree.

The bailiff's report submitted according to Mrs. Chakraborty ought to have been considered to grant police assistance.

Upon perusal of the impugned order, it appears

that the court below was not satisfied with the grave urgency disclosed in the petition so as to grant police assistance.

It is not in dispute that the decree has been granted, which requires execution. Bailiff's report is there to reveal the obstruction caused against the execution of decree. To ascertain the grave urgency as contemplated under Order 21 Rule 97 read with Section 208 C.R.O, the court below ought to have given the petitioner/decreed-holder liberty to establish the grave urgency upon examining the decreed-holder, and the bailiff together with other supporting witnesses if there be any, and that exercise has not been manifestly done by the court below.

The revisional application stands disposed of upon setting aside the impugned order, with a direction upon the court below to hear out same afresh within three weeks after reopening of winter vacation of the court below, after providing an opportunity to the petitioner to examine the decreed-holder, bailiff etc. to establish the grave urgency, if there be any, supportive of circumstances disclosed in Order 21 Rule 97, read with Section 208 C.R.O.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite party and the opposite party

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

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)