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17.03.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 2093 of 2021

Sri Gagan Deo Singh
-versus-
Ashok Kumar Sharma & ors.

Mr. Kaustav Chandra Das, ... for the petitioner.

The added defendant no. 5 in a suit for partition being Title Suit No. 512 of 1983 pending before the 6th Court of learned Civil Judge (Junior Division), Alipore, District : 24 Parganas (South) is the petitioner of the present application under Article 227 of the Constitution of India.

The suit has been decreed in preliminary form. The Court has appointed a Partition Commissioner. The Partition Commissioner approached the learned Trial Judge for police assistance as he was obstructed by the petitioner in doing the commission work.

The learned Trial Judge by the order impugned dated August 06, 2021 has granted such police help.

Mr. Kaustav Chandra Das, learned counsel for the petitioner, sought to canvass the illegality in the preliminary decree, such challenge is beyond the scope of the present revisional application. His client is free to prefer the appeal against the preliminary decree subject to law of limitation

governing such appeal. The Partition Commissioner's work cannot be obstructed, as the preliminary decree is not under challenge till date.

The learned Trial Judge therefore has absolutely justified in granting the said police help.

The order impugned does not call for any interference.

CO 2093 of 2021 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)