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C.O. 2974 of 2022

**Sri Amitava Roy & Ors
Vs
Debnath Basak**

Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta, ... For the petitioners.

Mr. Abhijit Ray,
Mr. Shubham Gupta,
Mr. Tanmoy Kumar Dey,
... For the opposite party.

The subject matter of challenge in this case is against the order dated 14th September 2022 passed by the learned Judge, II Bench, City Civil Court, Calcutta in Title Suit No. 368 of 2021, granting police assistance to enforce the order of ad interim injunction.

Mr. Surya Prasad Chattopadhyay, learned advocate appearing for the petitioners submits that the Court below has allowed the prayer for police assistance for the implementation of the interim order of injunction without providing an opportunity to file written objection against the proposed prayer for police assistance.

Mr. Abhijit Ray, learned advocate appearing for the opposite party submits that in view of the order dated 31st May, 2022 passed in Title Suit No. 368 of 2021 followed by affirmance of the order passed in C.O. 1453 of 2022, there is nothing left to provide any further opportunity, as proposed by the petitioners.

Having considered the submission of both sides, it appears that the petitioners intended to file a written objection against the prayer for police assistance.

Upon perusal of the impugned order, it appears that opportunity was given to the petitioners granting one month time to file written objection against the proposed prayer for police assistance, but the same could not be utilised for the reasons best known to the petitioners.

Admittedly, petitioners are the landlord and the opposite party has been favoured with an order of repossession.

There is hardly any scope for any elaboration, when simpliciter point is that no opportunity was given to file written objection against the prayer for police assistance.

This revisional application is disposed of upon setting aside the impugned order, with a direction to hear out the application afresh within two weeks after reopening of Puja vacation of the Court below, giving an opportunity to petitioners to file written objection against the relevant petition within five days after reopening of Puja vacation of the Court below, upon supplying a copy well in advance to the opposite party, so that the date to be fixed suitably by the Court below, as per observation made hereinabove, may be effectively utilised for the purpose.

This order is passed without going into the merits of the case and without prejudice to the rights and contentions of the parties.

(Subhasis Dasgupta, J)