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C.O. 142 of 2023

**Ankit Agarwal
Vs
Boon Realtors Pvt. Ltd. & Ors.**

Mr. Partha Chakraborty,
Ms. Paulomi Dutta,

... For the petitioner.

Mr. Saptansu Basu, Sr. Adv.
Mr. Amit Kr. Nag,
Mr. Partha Banerjee,
Mr. M Roy. ... for the opposite parties.

The subject matter of challenge in this case is against the order dated 5th January, 2023 passed in Misc. Appeal No. 416 of 2022 of learned District Judge, South 24 Parganas, Alipore, granting police assistance for the implementation of an ad interim order of injunction.

Mr. Partha Chakraborty, learned advocate appearing for the petitioner submits that the prayer for police assistance for the implementation of an ad interim order of injunction has been granted on the mere asking without recording objective satisfaction as to the grave circumstances, prevailed at the material point of time, requiring assistance of the police for the implementation of the ad interim order of injunction.

Per contra, Mr. Saptansu Basu, learned senior advocate for the opposite parties raises objection against the submission of petitioner, replying to the effect that

there has been suppression of fact, as the petitioner has already filed a recalling application against the order dated 5th January, 2023, and when such recalling application is pending and it would not be wise to interfere with the order impugned. Mr. Basu, however, submits that there were reasons to justify the order granting police assistance for the implementation of an interim order of injunction.

Having considered the submission of both sides, and bearing in mind the pendency of the recalling application, which is posted for hearing on 03.03.2023, this court is of the view that the points now raised by the petitioner, may be best addressed in connection with the recalling application.

The revisional application as such stands disposed of, directing the court below to hear out the recalling application either on the date scheduled, or if for any reasons whatsoever, the same could not be done, the application may be disposed of within fortnight thereafter, providing sufficient opportunity of hearing to either of the parties to this case.

Pending decision of recalling application, the impugned order granting police assistance may not be pursued by the officer-in-charge of the concerned police station.

(Subhasis Dasgupta, J)

