

July 24, 2023
Sl. No.A 1122
Court No.19
s.biswas

CO 824 of 2023

Sri Lokesh Chandra Mandal
vs.
Smt. Aparna Maity and others

Mr. Amit Baran Dash
Ms. Ankana Sarkar

... for the petitioner

The revisional application has been filed challenging the Order No.43 in Title Execution Case No.1216 of 2018, dated February 17, 2023. By the order impugned, the learned Civil Judge (Junior Division), 1st Court, Contai, Purba Medinipur, rejected the execution case on the ground that the decree holder was in possession of decretal land and had filed the execution case only to ensure further protection of the said land, by deputing police personnel.

A decree for permanent injunction, restraining the defendants from disturbing peaceful possession of the plaintiff over the suit property had been passed.

The execution case was filed alleging that the defendants were trying to create disturbance when the plaintiff was fishing. The plaintiff was being abused in slang language.

The learned court found that on such allegation, protection of the property by permanent police posting was being sought for. Such prayer was

beyond the scope of execution, especially as the plaintiff was admittedly in possession.

Hence, the execution case was dismissed as it was the specific finding of the court that the petitioner/decreed holder was in possession of the premises. The question of execution of the decree by posting police personnel, would not arise. There was no pleading with regard to attempts at dispossession.

This court does not find any irregularity in the order impugned.

The revisional application is thus dismissed.

(Shampa Sarkar, J.)