

Item No. 26
15.06.2023
Court. No. 19
GB

C.O. 1740 of 2023

Nabakanta Kamila & Anr.
Vs.
Kamalakanta Kamila & Ors.

Mr. Anindya Sundar Das,
Mr. Sounak Ghosh

...for the Petitioners.

The petitioners are enjoying an ad interim order of injunction in Title Suit No.209 of 2023, pending before the learned Civil Judge (Senior Division), 2nd Court at Contai.

The petitioners have prayed for implementation of the ad interim order of injunction by filing an application for police help under Section 151 of the Code of Civil Procedure. Such application was filed on May 31, 2023 along with an application for local inspection. On the same day, the defendant nos.1 to 4 appeared in the suit, praying for time to file their written statement and written objection.

The Court does not find that the learned court below has acted in any manner prejudicial to the interest of the petitioners.

It is submitted by Mr. Ghosh, learned advocate for the petitioners that the written objection to the application under Section 151 of the Code of Civil Procedure has not yet been filed by the defendants and the matter was mechanically adjourned on June 15, 2023.

Under such circumstances, this Court is of the view that justice would be sub served if the learned court below is

requested to dispose of the application under Order 39, Rule 7 of the Code of Civil Procedure for local inspection of the property as also the application under Section 151 of the Code of Civil Procedure for police help in respect of implementation of the ad interim order of injunction, preferably within a period of two months from the next date fixed upon allowing one last chance to the defendants to file their written objections to the said applications, if not already done.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)