

12.10.2023
Item No.50
gd/ssd

CO/3280/2023
SUBODH CHANDRA PRADHAN
VS
RAJKUMAR PRADHAN AND ORS.

Mr. Koustav Chandra Das,
Mr. Rajib Acharya,
Mr. Narattam Acharyya
..for the petitioner.

The order dated September 14, 2022 passed by the learned Civil Judge (Senior Division), 2nd Court at Contai in Title Suit No.137 of 2016 is under challenge in this application under Article 227 of the Constitution of India.

The learned advocate appearing for the petitioner submits that an ad interim order of injunction in the form of a status quo has been passed by the learned Trial Judge at the instance of the plaintiff/opposite party herein.

The defendant no.1 herein filed an application for police help alleging that in violation of the order of injunction the plaintiff/opposite party herein is cutting valuable trees from the Ka/1 schedule suit property.

The learned Trial Judge after going through the materials on record observed that the defendant no.1 has not been taken any steps to bring forthwith the real picture in controversy to show prima facie

that the plaintiff has changed the nature and character of the Ka/1 schedule suit property.

In the light of such observation, the learned Trial Judge rejected the application for police help.

It is well settled that a prayer for police help cannot be passed mechanically.

The learned Trial Judge, in my considered view, was perfectly justified in rejecting the said application.

CO 3280 of 2023, accordingly, stands dismissed.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)