

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction**

CO 110 of 2022

**Jaba Das and Ors.
-versus-
Rakesh Paul and Ors.**

Mr. Debarshi Dhar
... for the petitioner.

Mr. Debajit Kundu
... for the opposite party

The petitioner being the defendant in Title Suit No. 253 of 2021 has filed the present Civil Revisional Application against the order No.7 dated 17th August, 2022 passed by the learned Civil Judge (Junior Division), Siliguri wherein the learned Judge had allowed the application for temporary injunction filed by the plaintiff as well as the application under Section 151 of the CPC by directing the Inspector in-Charge of Siliguri P.S. to render assistance to the plaintiff for implementation of the order of temporary injunction dated 17th August, 2022.

Counsel for the petitioner/defendant submits that the plaintiff has not filed any document to show that the plaintiff had informed the order of *ad interim* injunction passed by the learned Judge dated 16.11.2021 and the police authorities have not taken any action for implementation of the order dated 16.11.2021.

Learned counsel for the plaintiff/respondent submits that the learned Civil Judge (Junior Division),

Siliguri has passed an *ad interim* order on 16.11.2021 restraining the defendant from disturbing the plaintiff's possession over the property but the defendant has violated the order and the police has also not taken any action for violation of the order dated 16.11.2021 and accordingly, the plaintiff has filed the application under Section 151 for police protection.

Considered the rival submission of the respective parties.

Perused the impugned order.

The plaintiff/respondent has filed an application under Section 151 of the CPC for a direction upon the police authority for compliance of the order dated 16.11.2021 but the plaintiff has not produced any document or evidence that the order dated 16.11.2021 was communicated to the police and the police authority have not acted upon. By passing the impugned order, the learned Judge had directed the Inspector in-Charge, Siliguri P.S. to render assistance to the plaintiff for implementation of the order of temporary injunction dated 17th August, 2022 which is not the prayer of the plaintiff in the application. It is astonished to see that the learned Judge has passed the temporary injunction on 17th August, 2022 and on the same day the learned Judge had directed the police authority to render assistance to the plaintiff without any evidence to show that the defendant has violated the order passed by the learned Judge and the police has not acted upon the orders passed by the learned Judge.

Accordingly, this Court is of the view that the part of the order wherein the learned Judge has directed the Inspector in-Charge of Siliguri P.S. to render assistance

to the plaintiff for implementation of the order of temporary injunction dated 17th August, 2022 is required to be set aside. Accordingly, the same is set aside.

It is made clear that this order will not debar the plaintiff from taking appropriate steps for police protection, if any occasion arises in future.

In view of the above, CO No. 110 of 2022 is disposed of.

(Krishna Rao, J.)