

Item No.19
20.03.2024
Court. No. 19
GB

C.O. 1155 of 2022

Sheikh Roushan Asique
Vs.
Rausan Jomir & Anr.

Mr. Abhidipto Tarafder,
Mr. Avik Dhar

...for the Petitioner.

The revisional application arises out of an order dated April 19, 2022, passed by the learned Civil Judge (Junior Division), 1st Court at Barasat, District – 24 Parganas (North) in Title Suit No.93 of 2022.

By the order impugned, the learned court rejected an application under Section 151 of the Code of Civil Procedure by which the petitioner prayed for a direction upon the police authorities to remove the padlock.

The learned court was of the view that the petitioner had failed to substantiate with cogent evidence that the defendants had affixed the padlock on the gate of the suit property.

The application has been perused by this Court. Apart from a mention in paragraphs 7 and 8 of the said application that the defendants had affixed a padlock on the front entrance of the said property, making the entry and exit of the plaintiff impossible, there are no pleadings which would satisfy the Court that foundation had been laid by the plaintiff/petitioner for a mandatory order of such nature. Moreover, the plaintiff had not been favoured with any ad

interim order and the status of the parties in respect of the suit property, had not been determined.

Under such circumstances, without any clinching evidence that the plaintiff was in possession of the suit property which was subsequently blocked up by affixing a padlock at the instance of the defendants, the claim for a mandatory direction upon the police authorities to break open the padlock was rightly rejected by the learned court.

Under such circumstances, the revisional application is dismissed.

The observations made in this order, shall be restricted to this particular proceeding before this Court and shall not influence the learned court while deciding the suit and the interlocutory applications.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)