

M/L 26
02.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1897 of 2024

Murari Mohan Guin @ Bijoy Guin
Vs.
Guhiram Das (Pataru) & Ors.

Mr. Dinendra Nath Chatterjee
Mr. Madhusudan Mandal

... for the Petitioner.

This is an application under Article 227 of the
Constitution of India.

The Order No.20 dated December 5, 2023 passed
by the learned Civil Judge (Junior Division) at
Raghunathpur, District: Purulia in *Title Execution Case*
No.03 of 2021 is under challenge.

The judgment debtor in a suit for declaration of
title and injunction is the petitioner. The decree of
prohibitory injunction has been put into injunction
alleging violation of it. The petitioner had questioned the
maintainability of the said execution case on the ground
that a decree of such nature cannot be executed.

The Executing Court by the order impugned has
overruled the said objection.

In view of the explanation appended to Sub-Rule
(5) of Order XXI Rule 32 of the Code of Civil Procedure,
the challenge to the maintainability of the said execution
case has been rightly overruled by the executing court. The
order impugned does not call for any interference.

CO 1897 of 2024 is disposed of without any order
as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)