

02.07.2024  
(D/L-14)  
Ct.-19  
(Susanta)

**IN THE HIGH COURT AT CALCUTTA**  
**CIVIL REVISIONAL JURISDICTION**

C.O. 2287 of 2024

Shri Sripati Charan Jana  
-Vs-  
Sri Susnata Kumar Das & Anr.

Mr. B. P. Mondal,  
Mr. Sukanta Mondal, ... For the Petitioner.

The plaintiff in a money suit is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the order no. 29 dated January 31, 2024 passed by the learned Civil Judge (Senior Division), Haldia, District-Purba Medinipur in the said suit being Other Suit NO. 04 of 2019.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Order XXXIX Rule 5 of the Code of Civil Procedure on the ground that the suit is at the very nascent stage as the issues have not yet been framed.

Mr. Mondal, learned advocate for the petitioner submits that an application for attachment before judgment can be maintained at any stage of the suit.

Heard Mr. Mondal, perused the materials on record.

There is no dispute with regard to the proposition that an application for attachment before judgment under Order XXXVIII Rule 5 of the Code of Civil Procedure can be maintained at any stage of the suit but on perusal of the said application, it appears that requirements of the said provision of the Code are lacking, as such, this Court is not inclined to interfere with the order impugned.

However, this order will not prevent the plaintiff/petitioner from filing a fresh application with sufficient particulars and materials demonstrating that the defendant is attempting to dispose of his property with the intention to obstruct and/or delay the execution of the decree that may be passed against him.

C.O. 2287 of 2024 is thus disposed of with the above observations 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Biswajit Basu, J.)**