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Ct. 19
03.07.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 2311 of 2024

**Dhruba Jyoti Dutta
Vs.
Manjeet Poddar**

Mr. Pratip Mukherjee,
Mr. Triptimoy Talukder,
Mr. Diptomoy Talukder,
Mr. Dibyendu Ghosh,
Mr. Abhiraj Tarafdar ... For the petitioner.

The plaintiff in a suit for declaration is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against Order dated May 02, 2024 passed by the 2nd Court of learned Civil Judge, (Junior Division) at Sealdah, District – 24 Parganas (South) in the said suit being Title Suit No. 390 of 2018.

In the suit, there is a subsisting order of injunction restraining the defendant and his men and agents from creating any obstruction and interference in enjoyment of the suit property for running business and from dispossessing the plaintiff forcefully and illegally from the suit property without due process of law.

The petitioner had filed an application under Section 151 of the Code of Civil Procedure for implementation of the said order of injunction by police assistance alleging that the defendant is

deliberately creating interference and obstruction in the entry of a press machinery which is necessary for the purpose of running offset printing business in the suit property.

The learned Trial Judge by the order impugned has dismissed the said application holding that Paragraph 10 of the tenancy agreement stipulates use of the said suit property only for the purpose of book-binding business and the installation of a machine required to run the such business and no application alleging violation of the said order of injunction under Order XXXIX Rule 2A of the Code has been filed.

This Court therefore, does not find any reason to interfere with the order impugned, C.O. 2311 of 2024 is dismissed without any order as to costs.

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

Parties to act in the server copy of this order duly downloaded from the official Website of the Court.

(Biswajit Basu, J.)