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03.09.2024

*In The High Court At Calcutta  
Civil Revisional Jurisdiction*

**C.O. No. 3604 of 2023**

**Sri Phalguni Dey & Anr.  
Vs.  
Sri Tapan Sadhukan & Ors.**

Mr. Srijib Chakraborty,  
Mr. Akashdeep Mukherjee,  
Mr. Soummyadeep Nag,  
Ms. Soumali Das ... For the petitioners.

Mr. Srinjoy Das (VC) ... For the O.P. Nos. 1 & 2.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant nos. 1 and 2 in a suit for declaration and injunction.

The Order No. 08 dated August 22, 2023 passed by the 3<sup>rd</sup> Court of learned Civil Judge (Senior Division) at Barasat, District – 24 Parganas (North) in the said suit being Title Suit No. 123 of 2023 is under challenge.

The prayer of the plaintiffs for an order of injunction was allowed in part vide order dated February 07, 2023 thereby restraining the defendants from causing any obstruction in free access of plaintiffs in the shops as mentioned in the schedule of the plaint by putting any pad lock in the common entrance of the building and also restrained from causing obstruction in using of the common staircase to reach the shops of the plaintiffs till April 05, 2023. The said order of injunction is still subsisting.

The plaintiffs, alleging violation of the said order of injunction, had prayed for police assistance by filing an application under Section 151 of the Code of Civil Procedure.

The learned Trial Judge by the order impugned has disposed of the said application by directing the defendants to hand over a duplicate key of the padlock of the common entrance of the suit building.

Mr. Srijib Chakraborty, learned advocate for the petitioners submits that the plaintiffs have their shop rooms on the first floor of the suit building and have a separate staircase for access to those shop rooms. He further submits that if the customers of the plaintiffs are allowed to use the common entrance, safety and security of the other inhabitants of the building would be seriously compromised.

In response, Mr. Srinjoy Das, learned advocate for the plaintiffs, the opposite party nos. 1 & 2 herein, submits that the plaintiffs would not allow their customers to use the common entrance.

In view of such undertaking of the plaintiffs, the order under challenge need not be interfered with.

C.O. 3604 of 2023 is disposed of with the above observations 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.

**(Biswajit Basu, J.)**