

07.05.2024  
Ct. No. 19  
Sl. No.135  
Cp

C.O. No. 4451 of 2023

Tahera Khatun & ors.

Vs.

Sabera Bewa & ors.

Mr. Gour Baran Sau

... for the petitioners.

The order impugned dated August 31, 2023, passed by the learned Civil Judge (Senior Division), 2<sup>nd</sup> Court, Malda in Partition Suit No. 406 of 2013 is under challenge before this court.

By the order impugned, the learned court allowed an application for implementation of the ad interim order of status quo passed in connection with the partition suit, with the help of police.

The application was filed by the plaintiffs alleging that the defendant nos. 2 and 3 were disturbing their possession by cutting down trees and were also forcefully trying to evict the plaintiffs from their portion of the suit property. The plaintiffs lodged a complaint before the police authorities. They also filed an application under Section 151 of the Code of Civil Procedure, alleging that the order of ad interim status quo was violated by the said defendants. They prayed for an order directing implementation of the ad interim order, with the help of police. The defendant nos. 4 and 5 allege that the plaintiffs were trying to disturb their peaceful possession, with the help of police.

I do not find any reason to interfere with the order impugned. The learned court who passed the ad interim order of status quo was empowered by law to ensure that the order of status quo was obeyed by the parties. It is a matter of public policy that orders of courts should not be violated. Thus, if a party was found to be acting in violation of any order of such nature, the trial court could pass directions for implementation of its own orders and if necessary with the help of the police.

The petitioners contend that emboldened by the said order, the plaintiffs were threatening the petitioners. In a partition suit, all the co-sharers were directed to maintain status quo with regard to the property in question. The police was directed to ensure compliance. The order does not amount to any interference with the interest of any of the parties. The order only directs the police to ensure that the parties do not violate the order of status quo. Moreover, the allegations are against the defendant Nos.2 and 3. The petitioners can always approach the learned Judge, if their possession is disturbed in any way, by filing appropriate applications. The order impugned is correct and is not interfered with.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

**(Shampa Sarkar, J.)**