

M/L- 438
11/06/2025
Ct. No.-6
Aritra

C.O. 124 of 2025

**Sumeshwar Keshari @ Someswar Keshri
Vs.
Pradip Parshi @ Passi @ Pradip Pasi**

Mr. Jayanta Kr. Mandal
Mr. Sayantan Rakshit

...for the petitioner

This matter was mentioned today at the first sitting of the Court by the learned advocate for the petitioner citing grave urgency. He submits that no caveat has been lodged in this matter. Being satisfied with the urgency pleaded by the learned advocate for the petitioner, this matter was directed to be taken up at 2.00 p.m. and is accordingly taken up.

This application under Article 227 of the Constitution of India is directed against an order dated October 3, 2024 passed by the learned Civil Judge (Jr. Div.), 1st Court at Hooghly in Title Suit No.392 of 2022.

By the order impugned the application filed by the petitioner under Section 151 of the Code of Civil Procedure stood rejected.

The learned advocate appearing for the petitioner submits that since the suit property is in a dilapidated condition, the plaintiff wanted to replace 50 numbers of old tiles and bamboo poles with new ones. He submits that since the petitioner was prevented from carrying

out the repairing work by the opposite party, the application for police help was filed.

It is not in dispute that in a title suit being No.470 of 2021 between the selfsame parties an order of injunction was passed directing both the parties to maintain *status quo* in respect of the suit property which is also the subject matter of the present suit. It further appears from the materials on record that an order of injunction was passed on July 8, 2022, in the instant suit thereby restraining the defendants from creating any sort of disturbances in the peaceful enjoyment and possession of the opposite parties in respect of the suit property for a limited period.

The learned advocate appearing for the petitioner, in his usual fairness, submits that the said ad interim order of injunction is still in force.

On a query of the Court, the learned advocate appearing for the petitioner submits that no application was filed by the petitioner praying for permission to effect repairs. That apart, there is no order passed by the court allowing the petitioner to effect repair.

The application under Section 151 of the Code of Civil Procedure was filed for rendering necessary assistance by the police authorities in order to effect repairs. Police help may be granted for the purpose of implementation of an order of the civil court. In the case on hand the petitioner could not produce any order

whereby the petitioners were allowed to effect the repairing work. Thus the application under Section 151 of the Code of Civil Procedure praying for police help was premature.

The learned trial was right in rejecting such application.

This Court is not inclined to interfere with such order.

Accordingly, CO 124 of 2025 stands dismissed.

This order shall however not prevent the petitioner from working out his remedies in accordance with law before the learned trial judge.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)