

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Uday Kumar

FMA No. 331 of 2025
+
CAN 1 of 2025

Yajur Fibres Limited
-vs-
Dharmendra Tiwari and others

For the appellant : Mr. Chayan Gupta,
Mr. Sayantan Chatterjee,
Mr. Dwip Raj Basu

For the respondents
Nos. 1 to 4, 6,8 and 9 : Mrs. Juin Dutta Chakraborty,
Mr. B. Modak,
Ms. Arpita Kundu.

Heard on : April 28, 2025.
Judgment on : April 28, 2025.

Sabyasachi Bhattacharyya, J.:

1. On consent of both parties, the appeal and the connected application are taken up for hearing together in view of the short ambit of the appeal.
2. The appellant sought appointment of a receiver to oversee the construction of a boundary wall by the appellant on the appellant's property.
3. Such prayer having been refused by the impugned order, the present appeal has been preferred.
4. We find that the premise of the appellant in seeking appointment of a receiver primarily is to ensure that the appellant is permitted to build the boundary wall-in-question around its property under the supervision of the receiver.
5. Learned counsel appearing for the respondents points out that the injunction application of the appellant was refused by the trial court, against which an appeal was preferred. The said appeal was ultimately disposed of by granting injunction, thereby permitting the appellant in effect to construct such boundary wall.

6. It is further submitted that the receiver application was filed prior to the injunction order being passed by this Court and was dismissed on the ground that the appellant's prayer for injunction had been refused by the trial court, which position was reversed in the appeal against such refusal, thus denuding the order refusing receiver of its very rationale.
7. Be that as it may, the purpose of the injunction and the appointment of receiver sought by the appellant overlap each other since both are for the purpose of ensuring that the appellant may construct a boundary wall around its property without any hindrance from the respondents.
8. We are of the opinion that for such purpose, no appointment of receiver is necessary. In fact, in view of this Court, in the injunction appeal, having passed an order of injunction, which can very well be implemented by the appellant by seeking police help, there is no further necessity to appoint a receiver for the self-same purpose.
9. Hence, although the reason for refusal of the prayer for appointment of receiver by the impugned order no longer survives, the conclusion of the said order is justified on the reasons as given above.

10. Accordingly, FMA No. 331 of 2025 is disposed of without interfering with the impugned order, but with the observation that in view of subsequent grant of injunction by this Court, it will be open for the appellant to seek appropriate police help for implementation of the said order of injunction before the trial court.
11. In the event such an application is made before the trial court, the learned trial Judge shall dispose of the same in accordance with law and, in the event any infraction of the injunction order passed by this Court, with which the previous refusal of the injunction order by the trial court has since merged, is established, such police help shall be granted to the petitioner.
12. It is made clear that even irrespective of any application for police help being filed before the trial court, the appellant will be at liberty to seek police assistance for implementation of the order of injunction passed by this Court in the previous appeal.
13. If so approached, the Officer-in-Charge or Inspector-in-Charge (as applicable) of the local police station shall act on the server copy of this order and grant police help at the cost of the appellant for the purpose of implementation of the

injunction order passed by this Court in FMAT No. 213 of 2024.

14. CAN 1 of 2025 is accordingly disposed of as well in view of disposal of the appeal.

15. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)