

Sl.323
15.07.2025
Court No.6
BP

C.O. 1223 of 2025

Sri Subodh Kumar Sain
-versus-
Sri Benimadhab Das

Mr. Subrata Bhattacharya
... for the petitioner

Mr. Anit Dey
Mr. K. Biswas
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the judgement debtor and is directed against an order dated 26th March, 2025 passed by the learned Civil Judge (Junior Division), 2nd Court at Durgapur, Paschim Bardhaman in Title Execution Case No. 6 of 2019.

By the order impugned the application under Rule 208 of the Civil Rules and Orders was allowed.

The learned advocate appearing for the petitioner submits that the decree was passed in respect of plot no. 667. He submits that the petitioner do not have any objection against execution in respect of the decreetal property. He submits that the petitioner is willing to co-operate with the execution in respect of the decreetal property.

Such submissions of the learned advocate for the petitioner is placed on record.

Heard the learned advocate for the opposite party. He submits that the judgement debtor /petitioner herein is creating obstruction in the execution of the decree in respect of the decreetal property.

The learned executing court after perusing the report submitted by the seal bailiff was of the view that there is possibility of serious breach of peace during the course of execution of the writ as there is a resistance and obstruction from the side of the judgement debtor. The learned executing court observed that without police help execution is not possible and accordingly allowed the application under Rule 208 of the Civil Rules and Orders.

Since the learned advocate for the petitioner has submitted that the petitioner is not obstructing the execution of the decreetal property, this Court does not find any reason to interfere with the order impugned.

Accordingly, C.O. 1223 of 2025 stands dismissed.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)