

Sl.139  
20.05.2025  
Court No.6  
BP

C.O. 1234 of 2025

Sarbamangala Jha & Ors.  
-versus-  
Shib sankar Mondal & Ors.

Mr. Uday Sankar Bhattacharya  
Ms. Sudeshna Basu Thakur  
Ms. Banani Bhattacharya  
..for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the judgement debtors and is directed against an order dated 1<sup>st</sup> February, 2025 passed by the learned Civil Judge (Junior Division), 1<sup>st</sup> Court at Asansol in Title Execution Case No. 02 of 1994.

By the order impugned the application filed by the decree holders under Section 151 of the Code of Civil Procedure was allowed and the bailiff was directed to break open the padlock of the decreetal property as per writ for handing over the vacant possession of the said in favour of the decree holders.

The learned advocate appearing for the petitioners submits that in the garb of taking possession of the decreetal property the bailiff should not disturb the possession of the petitioners in respect of the property which is not the decreetal property.

It appears that the learned judge has taken note of the report of the district Nazir wherein it has been stated that they have not faced any difficulty in execution of the

decree as regards its identification but resistance to the execution proceeding has been posed at the instance of the judgement debtors.

This Court finds that the learned Judge of the Executing Court has directed the bailiff to break open the padlock of the decreetal property as per the writ for handing over the vacant possession of the same in favour of the decree holders.

In view thereof, this Court is of the considered view that the petitioners cannot have any reasons to feel aggrieved.

Accordingly. C.O. 1234 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.)**