

7th July,
2025
(AK)
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F.M.A. 684 of 2021
IA No: CAN 1 of 2021

Samarendra Nath Paul and others
Vs.
Rabindranath Rishidas and others

Mr. Suman Sankar Chatterjee
Ms. Bidisha Chakraborty
Ms. Sadia Parveen

...for the appellants.

1. The present appeal poses certain peculiar circumstances.
2. Learned counsel for the appellants submits that the plaintiffs/appellants obtained an order of *ad interim* injunction in the trial court.
3. Subsequently, the said order was modified.
4. However, even after the modification, the same enured to the benefit of the plaintiffs/appellants.
5. To implement the *ad interim* order of injunction, the appellants filed an application for police help in the trial court.
6. Such police help application being rejected, a Miscellaneous Appeal was preferred. In connection with the said Miscellaneous Appeal, by the present impugned order, a prayer for *ad interim* injunction was purportedly rejected.

7. Learned counsel for the appellants, however, insists that the only prayer sought was for police help which the appellate court below treated to be one for modification of the injunction order.
8. The peculiarity of the matter is that first, no appeal is maintainable against an order rejecting police help and secondly, there was no occasion for the appellate court to entertain the appeal at all and/or, even if entertained, to deem the rejection of a police help application to be a modification of the injunction order of which implementation was sought.
9. Be that as it may, in any event, no further appeal lies against an order passed in a Miscellaneous Appeal.
10. Accordingly, FMA 684 of 2021 is dismissed as not maintainable with liberty to the appellants to challenge the order of the trial court refusing police help by way of a properly constituted challenge before the appropriate court.
11. CAN 1 of 2021 is, accordingly, dismissed as well.
12. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)