

Court No. 6
(265719)

20.06.2025
(A 1484)
(S. Banerjee)

CO 1514 of 2025

Debashis Biswas & Ors.
Vs.
Tapan Kumar Mondal & Anr.

Mr. Arijit Chatterjee
Ms. Soma Chowdhury (Bandhu)
...for the petitioners

This application under 227 of the Constitution of India is at the instance of the decree-holder and is directed against order dated March 18, 2025 passed by learned Civil Judge (Jr. Division), 2nd Court, Baruipur, in Title Execution Case No. 3 of 2024.

By the order impugned the application under Order 21 Rule 32 of the Civil Procedure Code, stood rejected.

The petitioners herein filed a suit for declaration of title and for permanent injunction. The learned trial judge by a judgement and decree dated June 26, 2023 declared the right, title, interest and possession of the petitioners in the suit property and the defendants were permanently restrained from interfering and disturbing with the peaceful possession of the plaintiff over the suit property without due process of law. In the execution application the decree-holder has sought for eviction

of the defendants by demolishing the illegal and unauthorized construction.

It is well-settled that the executing court cannot go beyond the decree. The decree was for declaration of title and for permanent injunction but no decree was passed in favour of the petitioners for mandatory injunction and for demolition of any structure.

The learned trial judge was right in rejecting the application under Order 21 Rule 32 of the Civil Procedure Code. This court is not inclined to interfere with such order.

Accordingly, CO 1514 of 2025 stands dismissed without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)