

Court No. 6  
(265719)

**02.07.2025**  
(AD 48)  
(S. Banerjee)

CO 2043 of 2025

Prasenjit Dey  
Vs.  
Gopal Dey & Ors.

Mr. Amit Ranjan Pati  
Ms. Swastika Chowdhury

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 50 dated February 1, 2025 passed by the learned Civil Judge (Sr. Division), Kharagpur in Title Suit No. 278 of 2020. By the order impugned the application under Section 151 of the Civil Procedure Code praying for police help, stood rejected.

Learned advocate appearing for the petitioner submits that the preliminary decree was passed on July 29, 2024 thereby declaring the share of the parties and the parties were directed to maintain status quo regarding nature, character and existing possession in the suit property till completion of the actual partition of the suit property be metes and bounds and drawing up final decree accordingly.

Learned advocate appearing for the petitioner submits that in violation of the preliminary decree the opposite parties herein have restrained the petitioner from entering into the suit property. For such reason the petitioner has filed an application under Section 151 of the Civil Procedure Code.

By the preliminary decree the parties were directed to maintain existing possession. In the preliminary decree only the shares of the parties have been declared. Nothing is on record to indicate as to in which portion of the property, the plaintiff/petitioner is in possession.

The police cannot decide the issue as to possession.

This court is of the considered view that the learned trial judge was right in rejecting the application under Section 151 of the Civil Procedure Code and, therefore, this court is not inclined to entertain the same.

Accordingly, CO 2043 of 2025 stands dismissed.

**(Hiranmay Bhattacharyya, J.)**