

D/L- 63
30/06/2025
Ct. No.-6
Aritra

C.O. 2273 of 2025

**Chandi Pal & Ors.
Vs.
Sri Uttam Pal & Ors.**

Mr. Subhas Chandra Atha
Ms. Payel Paramanik

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being No.16 dated January 24, 2025 passed by the learned Civil Judge (Jr. Div.), 4th Court at Howrah in Title Suit No.916 of 2022.

By the order impugned, the application for police help stood allowed.

The learned advocate appearing for the petitioner submits that the learned trial judge allowed the prayer for injunction ex parte. He further submits that the petitioner filed an application under Order 39 Rule 4 of the Code of Civil Procedure for vacating the order of injunction. He submits that in view thereof, the order impugned should be set aside.

Record reveals that the learned trial judge passed an ad interim order of injunction on July 6, 2022 thereby restraining the defendants from changing the nature and character of the suit property without due process of law. The defendant/petitioner herein did not file any written objection against the application for temporary injunction

and as a result the order of ad interim order of injunction was made absolute by an order date February 22, 2023. Alleging violation of the order of injunction, the plaintiff/opposite party filed an application under Section 151 of the Code of Civil Procedure for implementation of the order of injunction through police help. Though an application under Order 39 Rule 4 of the Code of Civil Procedure has been filed but till date the order of injunction is still in subsistence. It is well-settled that subsisting order of injunction can be implemented through police help in case there has been a violation of the same. The plaintiff/opposite party has alleged that the order of injunction has been violated by the defendant/petitioner herein.

The learned trial judge after considering the allegations made in the application praying for police help allowed such application.

This Court does not find any infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

Accordingly, CO 2273 of 2025 stands dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)