

D/L
Item No. 06
21.07.2025
KOLE

CO 2483 of 2025

Sri Subhodip Dutta
-Vs.-
Kallol Ghosh

Mr. Sankar Prasad Dalapati,
Mr. Sourav Mondal,

...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 dated 11th May, 2023, passed by the learned Civil Judge (Jr. Division), 2nd Court at Barrackpore, North 24 Parganas on CIS No. 208 of 2023. By the order impugned the application for police help stood rejected.

Mr. Dalapati, learned Advocate for the petitioner, submits that the learned Trial Court passed an ad interim order of injunction on 17th February, 2023 thereby restraining the opposite parties herein and his men and agents from disturbing the peaceful possession of the plaintiff/petitioner herein in the suit property and from creating any obstruction in the ingress and egress of the suit property.

He further submits that the order of injunction has been extended from time to time and since the opposite parties are creating disturbance in the egress and ingress of the petitioner to the suit property in violation of the order, the petitioner took out the application under Section 151 of the Code of Civil Procedure for implementation of the order of injunction with police help.

After going through the order impugned, this Court finds that the learned Trial Judge was not satisfied with the averments made in the application under Section 151 of the Code of Civil Procedure, insisting the order for police help.

It is well-settled that an order of police help for implementation of an ad interim order of injunction should not be passed at the mere asking of a party without arriving at a definite finding that the defendants/opposite parties are violating the order of injunction. It is equally well settled that the Courts should be very slow in directing implementation of an ex parte ad interim order of injunction passed after hearing the plaintiff only and on the basis of the affidavit and documents filed by the plaintiff.

For such reason this Court is not inclined to interfere with the order impugned.

At this stage, the learned Advocate for the petitioner prays for an order directing the learned Trial Court to dispose of the application for temporary injunction expeditiously.

He further submits that the application for temporary injunction is otherwise ready for hearing.

In the light of the submissions made by learned Advocate for the petitioner, CO NO. 2483 of 2025 is disposed of by requesting the learned Civil Judge (Jr. Division), 2nd Court at Barrackpore, North 24 Parganas to dispose of the application for temporary injunction as expeditiously as possible without granting any unnecessary adjournments to either of the parties, if such application is otherwise ready for hearing.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)