

Court No. 6
(265719)

16.07.2025
(AD 10)
(S. Banerjee)

CO 2508 of 2025

Mujibar Rahaman Gharami & Anr.
Vs.
Rabiul Haque Mondal & Ors.

Mr. Ayan Mitra

... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated June 20, 2025 passed by the learned Civil Judge (Jr. Division) 2nd Court at Baruipur in Title Suit No. 100 of 2025. By the order impugned the application under Section 151 of the Civil Procedure Code praying for implementation of the ad interim order of injunction, stood rejected.

After going through the order dated February 25, 2025, this court finds that both the plaintiff and the defendants were directed to maintain status quo with regard to the nature, character and possession of the suit property as it stands on the date of passing of the order till May 22, 2025.

It is well settled that while passing an order of status quo, the status of the suit property has to be indicated.

It appears from the order dated February 25, 2025 that the learned trial judge while passing an order of status quo, did not indicate as to who was in possession in respect of the suit property.

The petitioners filed an application under Section 151 of the Civil Procedure Code for implementation of such ad interim order of status quo alleging that the defendants are trying to disturb the possession of the plaintiffs in respect of the suit property. When the learned trial judge while passing the ad interim order of injunction did not hold that the plaintiff is in exclusive possession of the suit property, 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 praying for implementation of the ad interim order of injunction.

It is well settled that an order for police protection cannot be granted unless the rights of the parties are determined even at the interlocutory stage unambiguously.

The learned trial judge has assigned cogent reasons for rejecting the said application and, therefore, this court is not inclined to interfere with the same.

Accordingly, CO 2508 of 2025 stands dismissed.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)