

08.12.2025
M/L No.62
Court No.6
(gc)

CO 3131 of 2025

**Shyamal Kumar Saha
Vs.
Provat Kumar Saha & Ors.**

Mr. Haradhan Mondal
...for the Petitioner.

1. This revisional application arises out of an order dated June 19, 2025 passed by the learned Civil Judge (Senior Division), Bolpur, Birbhum. By the order impugned, the learned court rejected the application under Section 151 of the Code of Civil Procedure filed by the plaintiff in T.S. No.41 of 2025.
2. The petitioner/plaintiff prayed that the defendants should not be allowed to harvest on the property as they were indulging in some illegal activities, which had made the life of the plaintiff unbearable.
3. The defendants objected to such prayer on the ground that, the plaintiff could not produce any document which would show that the defendants had violated the order of the Court.
4. The court observed that the application for injunction had not been disposed of and the issues were pending. In order to maintain a

peaceful environment, the application under Section 151 of the Code of Civil Procedure filed by the petitioner was disposed of by the Court, by directing the parties to continue their respective agricultural work over the land in their respective possession as on March 18, 2025, upon giving prior intimation to the learned Receiver. The Receiver was directed to ensure that the nature, character and existing possession of the suit property was duly maintained. If the Receiver anticipated any breach of peace between the parties, then he could take assistance from the O.C., Labpur Police Station.

5. I do not find any reason to recall the order by which the learned Court had allowed the defendant nos.1, 2 and 3 to harvest upon taking note that their livelihood depended on the income from such agriculture. The plaintiff was further protected as the learned Court had observed that the Receiver will monitor such harvest and also keep the proceeds from such harvest. The application for injunction is yet to be disposed of and the issues shall be adjudicated..
6. When the petitioner approached the court for recalling of the order, the court also further protected the petitioner, by allowing the petitioner also to harvest along with the defendants over the portion in his possession since March 18, 2015.

7. Under such circumstances, this Court does not find any reason to interfere with the order impugned. The order impugned does not suffer from any infirmity. The injunction application is yet to be disposed of. These are all interlocutory orders passed by the learned court, to balance equities between the parties during the pendency of the injunction application as the court was of the view that, the source of livelihood of the parties should be protected.
8. The revisional application is, accordingly, disposed of without any interference.
9. There shall be no order as to costs.
10. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)