

Sl.35
03.09.2025
Court No.6
BP

C.O. 3257 of 2025

Jakir Kha @ Jakir Hossain Kha & Ors.
-versus-
Raja Kha & Anr.

Mr. Tapan Dutta Gupta
Ms. Parvej Anam
Ms. Rituparna Ghosh
Mr. Sourav Sardar
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the judgement debtors and is directed against the orders dated 23rd July, 2025 and 20th August, 2025 both passed by the learned Civil Judge (Senior Division), 3rd Court at Paschim Medinipur in Title Execution Case No. 4 of 2021.

By the orders impugned the judgement debtors were sentenced to undergo simple imprisonment for one month.

The learned advocate appearing for the petitioners submits that the petitioners did not violate the decree for injunction and, therefore, the impugned order directing the petitioners to undergo simple imprisonment should be set aside.

The decree holders/opposite parties herein have put the decree for permanent injunction in execution giving rise to Title Execution Case No. 4 of 2021. Pursuant to the order dated 8th April, 2025 the cost of

detention was also put in by the decree holder and the application of the decree holder under Order 21 Rule 32 was considered and allowed and the property of the judgement debtor was attached and the judgement debtor was directed to be put into civil prison and the Officer-in-Charge, Belda Police Station was directed to produce the judgement debtors on the next date fixed so that they can be moved to civil prison. Thereafter on 20th August, 2025 the judgement debtors appeared before the court and the learned judge of the executing court by the order dated 20th August, 2025 has directed the judgement debtors to undergo simple imprisonment for one month till 19th September, 2025 after which they shall be released from the Midnapore Correctional Home, Paschim Medinipur on immediate basis.

The order impugned is reasoned one and for such reason, this Court is not inclined to interfere with the said order.

With the above observations, C.O. 3257 of 2025 stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)