

Court No. 6
(265719)

11.09.2025
(AD 14)
(S. Banerjee)

CO 3295 of 2025

Pushparani Halder & Ors.
Vs.
Dolly Halder & Ors.

Mr. Sandip Das
Mr. Dipankar Bhandari
...for the petitioners

Mr. K. Jha
...for the opposite party nos. 1, 2 and 3

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against order no. 12 dated August 2, 2025 passed by the learned Civil Judge (Jr. Division), Kakdwip in Title Suit No. 269 of 2024. By the order impugned the application under Section 151 of the Civil Procedure Code praying for police help for implementation of the ad interim order of injunction was allowed thereby directing the police to maintain a strict vigil for abiding the order of the learned trial judge by both the parties.

Mr. Das, learned advocate appearing for the petitioners submits that an ad interim order of injunction was sought to be implemented by police help which is not permissible.

Learned advocate appearing for the opposite parties submits that the opposite parties are in possession of the suit property and an ad interim order of injunction has been passed restraining the petitioners from disturbing the peaceful possession of the opposite parties in respect of the suit property. He submits that the petitioners were trying to dispossess the opposite parties from the suit property in violation of an order of injunction passed in an application under Section 151 of the Civil Procedure Code praying for police help for implementation of ad interim order of injunction.

After going through the impugned order this court finds that no opportunity was given to the defendants/petitioners herein to file written objection to the application praying for police help.

Without entering into the issues as to whether an ad interim order of injunction can be directed to be implemented through police help, this court is inclined to interfere with the order impugned only on the ground that the petitioners were not given any opportunity to file a written objection to the injunction application.

For such reason this court is inclined to interfere with the order impugned.

Accordingly, order dated August 2, 2025 is set aside. The application under Section 151 of the Civil Procedure Code filed by the plaintiffs/opposite parties herein praying for implementation of the ad interim order of injunction dated November 11, 2024 is restored to the file of the learned trial judge.

The petitioners will be at liberty to file a written objection to such application within a week from date.

The learned trial judge is requested to dispose of the said application in accordance with law after giving an opportunity of hearing to the respective parties and by passing a speaking order.

CO 3295 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)