

Item-
19. 24-10-2025

CO 3519 of 2025

sg Ct. 6

Mahab Sk. & Anr.
Versus
Khudu Sk. & Ors.

Mr. Sanjib Seth

...for the petitioners

This revisional application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against the order being No. 35 dated March 11, 2025 passed by the learned Civil Judge (Senior Division), Kandi, Murshidabad in partition suit no. 174 of 2016.

By the order impugned, the application under Section 151 of the Code of Civil Procedure filed by the petitioners praying for an order directing the police authority to render assistance, stood rejected.

The learned Advocate appearing for the petitioners submits that the opposite parties are creating obstruction in the pisciculture activities and for such reason, the petitioners filed the application under Section 151 of the Code of Civil Procedure for police help.

Record reveals that by an order dated December 7, 2016, both the parties were directed to maintain status quo in respect of the nature, character and possession of the suit property till the disposal of the instant suit. The order of status quo was passed after observing that the preservation of the suit property is of utmost importance and preservation of the suit property will also prevent multiplicity of proceedings in

between the parties. The petitioners filed an application under Order 40 Rule 1 of the Code of Civil Procedure praying for appointment of a receiver alleging that the defendants/opposite parties are forcefully fishing from the said pond and in the upcoming rainy season, there is huge chance of floating the fishes of the suit property. The learned Trial Judge by an order dated May 10, 2022 appointed an Advocate as receiver for fishing the pond and selling them and to deposit the money before the court through challan and the same will be distributed between the parties after disposal of the suit in tune with judgment of the suit. The petitioners thereafter filed an application under Section 151 of the Code of Civil Procedure praying for an order directing the police authority to render necessary assistance to the receiver in terms of the order passed under Order 40 Rule 1 of the Code of Civil Procedure.

After going through the said application, this Court is of the considered view that the learned Trial Judge was right in observing that no document has been submitted by the petitioners in support of their case that the receiver was being obstructed to carry out the fishing activities from the pond.

CO 3519 of 2025, accordingly, stands dismissed.

It is, however, made clear that this order shall not prevent the petitioners from taking appropriate steps in accordance with the law.

(Hiranmay Bhattacharyya, J.)

