

26.11.2025
SL No.12
Court No.6
(gc)

CO 3996 of 2025

**Sri Sanjoy Sil & Anr.
Vs.
Smt. Sudha Rani Sil & Ors.**

Mr. M. Goswami,
Mr. P. Goswami
...for the Petitioners.

1. The petitioners are aggrieved by an order dated June 30, 2025 passed by the learned Civil Judge (Sr. Divn.), Kalyani, Nadia in Title Suit No.118 of 2024. By the order impugned, the learned Court allowed the prayer for police help, for implementation of the order of temporary injunction, but refused to allow the prayer for removal of obstruction. According to the Court, although, the report of the Advocate Commissioner mentioned a passage, the same was silent as to whether there was any dumping of any material which caused hindrance and obstruction to the petitioners. In the petition for removal of obstruction, nothing was stated as to how and when such dumping has occurred. The petition was also devoid of any schedule. According to the Court, for an effective order, the schedule of the area on which the alleged dumping had occurred was necessary. After the

local inspection was made, the order of injunction was passed by which both the parties were directed to maintain status quo.

2. Under such circumstances, this Court in cannot sit in appeal over the factual findings of the learned trial Court. The petitioner cannot, at the mere asking, seek mandatory orders upon the police authorities, without proving the mode and manner in which the alleged dumping on a common passage had taken place and when such alleged mischief had been caused.
3. The order impugned does not call for any interference.
4. Accordingly, the revisional application is dismissed.
5. There shall be no order as to costs.
6. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)