

D/L. 23 & 24.
August 8, 2025.
MNS.

CO No. 3718 of 2024
+
CAN 1 of 2025
with
CO No. 3951 of 2024
+
CAN 1 of 2025

Dinesh Kumar Soni
Vs.
Santosh Singh and others

Mr. Sandip Kumar De,
Mr. Abhijit Sarkar

... for the applicants.

Mr. Kushal Chatterjee,
Mr. Debrup Chowdhury

...for the opposite party/revisionist petitioner.

Re: CAN 1 of 2025 (clarification/modification/alteration)

1. Learned counsel for the applicant in the present applications for clarification submits that the order passed by this Court on February 28, 2025 in connection with CO No. 3718 of 2024 and CO No. 3951 of 2024 was challenged before the Hon'ble Supreme Court.
2. The Hon'ble Supreme Court, by an order dated May 23, 2025, disposed of the Petition (s) for Special Leave to Appeal (C) Nos. 14197-14198 of 2025 with the observation that in case the order of this court is being misinterpreted or violated, it is always open to the petitioners to move an appropriate

application before the appropriate court or in the contempt jurisdiction.

3. Learned counsel for the applicants contends, by placing reliance on the photographs annexed to the present applications, that after the passing of the order of this court, the opposite party herein (that is, the revisionist-petitioner) has labelled one of the gates as “garage gate” and the other as “main gate” whereas the latter is, by no means of imagination, a main gate.
4. Thus, a scope of misinterpretation of the order has arisen and in the garb of complying with the order, the revisionist-petitioner, that is, the present opposite party, has stopped the running business of the present applicant by keeping the applicant’s godown under lock and key.
5. Such allegations are controverted by learned counsel for the revisionist-petitioner/opposite party.
6. From a perusal of the order of the Supreme Court dated May 23, 2025, it is found that the Hon’ble Supreme Court, in unambiguous terms, observed that in the view of the Hon’ble Supreme Court, the order of this court is not capable of dual interpretation as was suggested by learned counsel for the petitioners therein (present applicants).
7. Over and above the same, the Supreme Court observed that in case the order is being misinterpreted or violated, it is open to the

petitioners/applicants to move an appropriate application before the appropriate court or in the contempt jurisdiction.

8. In paragraph no. 9 of the revisional court's order, this court categorically observed that since the impugned orders only stipulate that the petitioner shall not put an obstruction to the "main gate" of the premises, the same is not interfered with, with the rider, however, that the impugned orders shall not be construed as a fetter on the petitioner to put a padlock or lock the gates of the garage and Darwan's room, which are the subject-matter of the suit premises, bearing Title Suit No. 19 of 1997.
9. From a bare perusal of the photographs annexed to the instant application, it is evident that the garage itself has been labelled with the nomenclature "garage gate".
10. Moreover, there is no dispute as to the Darwan's room. The dispute sought to be raised by the present applicants is in respect of the other gate which has been captioned as "main gate" by the revisionist-petitioner.
11. However, the labelling of a gate by a particular nomenclature by either of the parties does not change the character of the gate as such.
12. Subsequent actions of the parties cannot be a stimulus for the parties to come up on each of such occasions with an application for clarification of the

order of this Court. In any event, in consonance with the observations of the Supreme Court that the order of this Court is not capable of dual interpretation, I am also of the opinion that in paragraph 19 of the order of this Court dated February 28, 2025, it was clearly enumerated that the revisionist petitioner shall not put an obstruction to the main gate of the premises. Thus, the expression “main gate” is circumscribed and defined by the rider “of the premises”, thereby pertaining to the main gate of the premises itself.

13. Hence, the subsequent action of one of the parties, by labelling the gates in a particular fashion, need not be construed as an event to prompt this Court to pass any further clarificatory order, as the order dated February 28, 2025 is sufficiently clear in all respects.

14. Thus, I do not find any merit in the present applications, filed in connection with disposed-of revisional applications.

15. Accordingly, both the applications, bearing CAN 1 of 2025 in connection with CO 3718 of 2024 and CO 3951 of 2024 respectively, are dismissed *con* contest without any order as to costs.

(Sabyasachi Bhattacharyya, J.)