

28.01.2025
Ct. No. 30
S.L No. 24
SM

CO 4003 of 2024

**Sri Bhaglu Prasad Khatik
Vs
Smt. Ashimarani Dutta & Ors.**

Mr. Mrinal Kanti Ghosh
.....for the petitioner

1. The present revisional application has been preferred against order being dated 08.10.2024 passed by learned Civil Judge (Junior Division) 1st Court at Bolpur, District: Birbhum in Title Suit No. 184 of 2024.
2. By the order under revision, the learned trial Court has been pleased to reject the petitioner's prayer for police help under Section 151 of the CPC.
3. The petitioner's prayer for police help for implementation of the order of "status quo" dated 20th July, 2024.
4. It appears from the order under revision that the Trial Court held that as no local inspection of the suit property had been prayed for, no police help could be permitted as the same would prejudice the rights of the parties involved.
5. The findings of the learned Trial Court prima facie appears to be in accordance with law.

6. But considering the fact that the dispute before the Trial Court is in a suit for declaration and permanent injunction, it is required for proper adjudication that a local inspection be conducted in respect of the suit property.

7. Accordingly, the revisional application is disposed of with the direction and liberty granted to the petitioner to file an application under Order 39 Rule 7 CPC before the Trial Court and the Trial Court on hearing the parties shall allow the prayer for local inspection which is to be completed within 15 days from the date of the order of the Trial Court. The total exercise be completed within 30 days from the date of this order.

8. On a local inspection report being placed before the Trial Court, the Trial Court will be armed with documents to consider the petitioner's prayer afresh under Section 151 CPC.

9. Considering the relief prayed for service is dispensed with.

10. The petitioner shall also be at liberty, if the situation requires to prefer a fresh application under Section 151 CPC at the appropriate stage which the Court shall consider taking into account the status report as per the local inspection report and dispose of the application in accordance with law expeditiously.

11. CO 4003 of 2024 is disposed of.
12. Applications, if any, connected thereto stand disposed of consequently.
13. Interim order, if any, stands vacated.
14. Let a copy of this order be sent to the Trial Court at once.
15. Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]