

M/L- 48
04/08/2025
Ct. No.-6
Aritra

C.O. 4180 of 2024

**Srimati Binati Sarkar & Anr.
Vs.
Srimati Maya Roy**

Mr. Amarnath Sukul

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No.10 dated November 7, 2024 passed by the learned Civil Judge (Sr. Div.), 2nd Court at Paschim Medinipur.

By the order impugned the application under Section 151 of the Code of Civil Procedure praying for implementation of the ad interim order of injunction with police help stood rejected.

The learned advocate appearing for the petitioner submits that the petitioner was in possession of the suit property but she had to go to her matrimonial home at Tripura on account of death of her father-in-law. He submits that taking advantage of temporary absence of the petitioner in the suit property the opposite parties are not allowing the petitioner to enter into the suit property.

The learned trial judge after noting that the petitioner has filed an application praying for re-entry into her paternal home arrived at a factual finding that there is nothing on record to find that the

defendant/opposite parties has violated the order of ad interim injunction passed by the learned trial judge.

It is well-settled that the Court would be very slow in implementing an order of ad interim injunction with police help.

The learned advocate appearing for the petitioner submits that the petitioner has filed the application for local inspection before the learned trial judge which is still pending.

CO 4180 of 2024 stands disposed of without interfering with the order impugned but by giving liberty to the petitioner to take appropriate steps in accordance with law before the learned trial judge

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)