

D/L- 28
19/02/2025
Ct. No.-6
Aritra

C.O. 4462 of 2024

**Sree Sangha Club Represented by Biswajit Sarkar
Versus
Ram Chandra Karmakar & Ors.**

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
...for the petitioner

This application is at the instance of the judgment debtor challenging an order being No.126 dated August 8, 2024 passed by the learned Civil Judge (Jr. Divn.), Additional Court, Hooghly in Title Execution Case No.32 of 2016. By virtue of the said order the application under Section 47 of the Code of Civil Procedure stood rejected.

The learned advocate appearing for the petitioner submits that the decretal property is not properly butted and bounded and, therefore, the decree of mandatory injunction is inexecutable.

It appears from the order passed by the learned First Appellate Court in Title Appeal No.103 of 2015 that the defendant/petitioner herein were directed by a decree of mandatory injunction to demolish the boundary wall which they raised around the suit property.

The learned Executing Court was right in holding that there is no further need to consider the identification of the decretal property.

In view thereof this Court does not find any infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

With the above observations CO 4462 of 2024 accordingly stands dismissed.

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.)