

S/L 09
14.05.2025
Court No.2
(Susanta)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION

C.O. 80 of 2025

Md. Jamirul Mia

Vs.

Jitendra Narayan & Ors.

*Mr. Puspen Burman,
Mr. Sayantan Bhowmik,*

... For the Petitioner.

The petitioner was the plaintiff of Title Suit No. 60 of 2015, a suit for declaration and injunction, which was decreed on September 16, 2016.

The plaintiff, alleging that the defendants in violation of the decree of prohibitory injunction, have dispossessed him from the decretal property, had taken out an application under Order XXXIX Rule 2A of the Code of Civil Procedure, registered as Misc. (Judicial) Case No. 02 of 2017.

The learned Civil Judge (Junior Division), Sadar, Cooch Behar by the judgment and order dated July 20, 2022 had dismissed the said Misc. Case.

The plaintiff, aggrieved thereby, had preferred the connected Misc. Appeal no. 7 of 2022.

The learned Additional District Judge, Fast Track Court at Cooch Behar by the impugned judgment and order dated November 28, 2024 has dismissed the said appeal.

The petitioner is required to put the decree of prohibitory injunction into execution by taking recourse of the provision of Order XXI Rule 32(5) of the Code, filing of an application under Order XXXIX Rule 2A of the Code is a misconceived action.

Learned advocate for the petitioner candidly submits that the petitioner intends to take recourse of the said procedure.

The order impugned therefore does not call for any interference. C.O. 80 of 2025 is dismissed without any order as to costs.

It is however made clear that this order would not prevent the petitioner to take steps for execution of the decree of prohibitory injunction in accordance with law.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)