

D/L 9
20.05.2026
Rohit,A.R.(Ct.)
ct.no.6

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

CO 222 of 2026

**Skypath Reality Pvt. Ltd
Versus
Binod Kumar Agarwala & Ors.**

Mr. Subhasish Sengupta
Mr. Kushal Chatterjee
Mr. Manish Shukla
Mr. Oishik Chatterjee
Mr. Ivi Banerjee

...for the Petitioner

Mr. Partha Pratim Roy
Mr. Santanu Chatterjee

...for the Opposite Party No. 1

1. This revisional application is directed against an order dated December 23, 2025 passed by the learned Additional District Judge, Fast Track Second Court, Sealdah in Misc. Appeal No. 20 of 2025 whereby the petitioner's application seeking police assistance for implementation of an ad interim order of injunction passed in such Misc appeal has been rejected with the observation that efficacious relief is available within the purview of Order 39 of the Code of Civil Procedure, 1908 itself.

2. The petitioner has instituted Title Suit No. 629 of 2025 before the learned Civil Judge

(Junior Division), First Court at Sealdah praying *inter alia* for a decree for declaration and permanent injunction. In the said suit, the petitioner filed an application for temporary injunction and pressed the same for ex-parte ad interim order. The same was refused.

3. Feeling aggrieved thereby the petitioner has approached the Appellate Court by filing Misc Appeal No. 20 of 2025.

4. In the said appeal too, the petitioner filed an application for an ex-parte ad interim order of injunction which was granted on December 8, 2025.

5. Alleging that the opposite parties have been creating disturbances despite the said ex-parte ad interim order of injunction, the petitioner approached the learned Appellate Court again by way of an application under Section 151 of the Code praying for police assistance. Such prayer has been declined by the learned Appellate Court. Hence the present revisional application.

6. Mr. Sengupta, learned Advocate appearing for the petitioner submits that the learned Appellate Court has dismissed the application

of the petitioner without considering the petitioner's case on merits.

7. Mr. Roy, learned Advocate appearing for the opposite party submits that the learned Appellate Court has rightly not granted the relief prayed for by the petitioner as the petitioner has an efficacious remedy under Order 39 Rule 2 A of the Code. He relies on a Co-ordinate Bench judgment of this Court in ***Aristocrat International Private Limited and Others-Vs- Gouri Shankar Sharma and Others*** reported in **2025 SCC OnLine Cal 7836**.

8. Having heard the learned Advocates appearing for the respective parties and having considered the material on record, this Court is of the opinion that the learned Appellate Court was not justified in dismissing the petitioner's application under Section 151 seeking implementation of the order passed by the said Court itself without deciding the same on merits.

9. If the application for injunction filed by the petitioner had been considered by the learned Appellate Court and an ad interim order had been passed thereby returning *prima facie* findings as regards the rights and the status

of the parties in any manner, it would not be impermissible for the Court to implement the order passed by the Court even under Section 151 of the Code provided special circumstances justifying exercise of inherent powers are shown to exist.

10.The judgment of a Co-ordinate Bench of this Court in ***Aristocrat International Private Limited and Others*** (supra) has also not laid down the law that entertainment of an application under Section 151 of the Code for implementation of order of Court is wholly impermissible. In the said case, this Court interfered since the order for police help had been granted merely on the asking without considering the objection raised at the time of hearing and there was doubt as regards the plaintiff's case which was apparent from the pleadings before the Court.

11.In the case at hand, the stage of such conclusion has not even reached because the learned Appellate Court has told the petitioner off at the gate itself by rejecting the application at the threshold.

12.In such view of the matter, the order impugned dated December 23, 2025 is set aside and the matter is remitted back to the

learned Appellate Court for a fresh decision on merits.

13. Needless to observe that any observation made herein will not influence the learned Additional District Judge, Fast Track Second Court, Sealdah and the said learned Court will decide the matter independently and as expeditiously as possible, in accordance with law.

14. CO 222 of 2026 stands disposed of. There shall be no order as to costs.

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

(Om Narayan Rai, J.)