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Court No. 6
13.5.2026
SB

C.O. 1235 of 2026
Amir Kumar Das @ Omir Kumar Das
VS
Manju Das & Ors.

Mr. Debdatta Basu
Mr. Sandip Ghosh
Ms. Moumita Ghosh
Ms. Jayashree Dari
Ms. Saumalika Nandan ... for the petitioner

Ms. Soma Kar Ghosh
Ms. Suparna Paul
Ms. Silpi Ghosh ... for opposite parties

1. This revisional application lays challenge to an order dated January 30, 2026 passed by the learned Civil Judge (Senior Division), Chandernagore, Hooghly in Title Appeal No. 03 of 2024 whereby the petitioner's application under Section 151 of the Code of Civil Procedure, 1908 praying for an order of mandatory injunction directing breaking open of a padlock allegedly put over the tenanted shop room has been rejected.
2. The opposite parties had instituted Title Suit No. 55 of 2018 for eviction of the petitioner and for permanent injunction before the learned Civil Judge (Junior Division), Additional Court, Chandernagore, Hooghly, inter alia on the ground of reasonable requirement and default in payment of rent.
3. The said suit was decreed on December 15, 2023.
4. Assailing the said judgement and decree the petitioner herein has filed an appeal being Title Appeal No. 03 of 2024 which is pending consideration before the learned Civil Judge (Senior

Division) Chandernagore, Hooghly. In the said appeal, the petitioner had filed two applications under Section 151 of the Code. The first application was filed on January 22, 2025 followed by the second one on August 14, 2025 thereby praying for an order of mandatory injunction directing breaking open of padlocks allegedly put on the shutter of petitioner's shop room. Both the said applications have been turned down by the order impugned. Hence the revisional application.

5. Mr. Basu, learned advocate appearing for the petitioner submits that since the petitioner is in possession therefore an order as prayed for must have been granted by the learned appellate court. Moreso, since it is not the case of the plaintiffs/ opposite parties that the plaintiffs/opposite parties have put the padlock on the petitioner's shop room.
6. Ms. Kar Ghosh, learned advocate appearing for the opposite parties submits that upon the suit being decreed, the opposite parties have put the same in execution by filing Title Execution Case No. 61 of 2024. However, the said execution has been stalled by an order dated January 31, 2025 by the Appellate Court in Title Appeal No. 03/2024. She further submits that the petitioner has been occupying the suit premises without making any payment save and except the deposit of Rs.30,000/- that had been imposed by the learned Appellate Court as a condition for grant of stay of the execution case.

7. Heard learned advocates appearing for the respective parties and considered the materials on record.
8. As indicated by the parties and as is evident from the record, earlier too, upon rejection of a similar prayer made by the petitioner, the petitioner had approached this Court by filing C.O. 2495 of 2019. The said Civil revisional application was disposed of without interfering with the order of rejection upon observing that the opposite parties / plaintiffs had owned up that they had neither put the alleged padlock on the suit shop room nor had even attempted to do so, that the learned Trial Court had found that the order of temporary injunction had been passed when the suit premises was under lock and key though the constructive and / or legal possession remained with the defendant / petitioners and further that there was no changed circumstance warranting variation of the order of injunction. This Court observed that it did not find any reason to interfere with the order refusing to grant any mandatory injunction in view of the aforesaid situation.
9. The same situation which was obtaining then is prevailing even today. Since this Court has once refused to entertain the petitioner's prayer in the same fact-situation, there is no reason for this Court to take a different view now. There is no changed circumstance that would persuade this Court to take a divergent course.

10. In such view of the matter, this Court too does not find any reason to interfere with the order impugned. Since the opposite parties' execution case has been stalled and the appeal is of the year 2024, justice could be sub-served if the learned Civil Judge (senior division) Chandernagore, Hooghly is requested to dispose of the Title Appeal No. 03 of 2024 as expeditiously as possible and preferably within a period of two months from the next date fixed without granting any unnecessary adjournment to either of the parties.

11. With the aforesaid observations, C.O. 1235 of 2026 stands disposed of.

12. There shall be no order as to costs.

(OM NARAYAN RAI, J.)