

26
30.06.2026
Ct. No -6
D.Hira

C.O. 1994 of 2026

**Dhruv Sahni
Vs.
Kaushalya Rani Charity Trust**

**Mr. Siddhartha Lahiri,
Mr. Debraj Dutta.**

...for the petitioner

**Mr. Supriyo Chattopadhyay,
Mr. Sandip Kumar Maiti,
Ms. Debasree Chatterjee.**

... for the opposite party

The order no. 112 dated 15th June, 2026 passed by the learned Additional Civil Judge, 6th Bench, City Civil Court at Calcutta in Title Suit No. 2853 of 2007 is under challenge at the instance of the plaintiff.

By the order impugned the application under Section 151 of the Code of Civil Procedure praying for a direction upon the S.P. South Division Calcutta to direct the Officer-in-Charge of the concerned police station to comply with the order dated 8th October, 2007, which was made absolute on 24.11.2011.

Learned counsel appearing for the petitioner submits that the opposite party has put a padlock on the main door of the suit premises in violation of the order of injunction.

He submits that the learned trial judge in exercise of his jurisdiction acted illegally and with material irregularities, by not directing the police authorities to break open the said padlock.

Per contra, learned counsel appearing for the opposite party submits that after the order of injunction was made absolute, the suit was dismissed for default.

Thus, the order of injunction was not in operation. Since the petitioner left the suit property and went abroad, the opposite party has put the padlock on the suit property for the purpose of protecting the property.

He submits that the opposite party has not in any manner violated any order passed by this Court.

Heard the learned counsel for the parties and perused the materials the materials on record.

After going through the materials on record, this Court finds that the petitioner could not substantiate the allegation that the padlock was put in violation of the order of injunction as rightly held by the learned trial judge.

However, the question that arises for consideration is whether the petitioner against whom a suit for eviction is pending, could be prevented from enjoying the tenanted premises till a decree is passed by the competent court.

Since in the meantime, the opposite party has put up the padlock over and above the padlock of the petitioner, this Court is of the view that an opportunity should be granted to the petitioner to file an appropriate application before the learned trial judge for removal of the padlock of the defendant.

This court accordingly grants liberty to the petitioner to file an application for removal of the padlock put by the opposite party on the main entrance of the suit premises.

If such an application is filed, the learned trial judge shall fix an early date of hearing of the said application and dispose of the same by passing a reasoned order after affording an opportunity to the opposite party to file a written objection to such application.

At this stage, learned counsel appearing for the petitioner submits that 9th July, 2026 has been fixed for peremptory hearing of the suit for cross-examination of the plaintiff witness.

In case any application is filed on or before the next date of hearing pursuant to the aforesaid liberty, the learned trial judge shall make an endeavour to dispose of the same as expeditiously as possible without being influenced by the observations made by this Court in this order as well as those made by the learned trial judge in the order impugned.

Immediately after disposal of the application that may be filed by the petitioner pursuant to the liberty granted by this Court, the learned trial judge shall make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

With the above observations and directions, C.O. No. 1994 of 2026 stands disposed of.

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.)