

31.03.2026
Item no. 25
Court no. 30
g.b.
266012

CO 3501 of 2024

Abdul Rahim Mullick
Vs.
Sk. Samsuddoha @ Sk. Samserdoha & Ors.

Ms. Ajeyaa Chowdhury
Mr. A. K. Hazra
..... For the Petitioner

1. The civil revision has been preferred challenging an order dated July 10, 2024 passed by the Learned Civil Judge (Junior Division) at Amta, Howrah in T. S. 28 of 2021.
2. Vide the impugned order, the learned trial court has held as follows:

“Heard. Considered.

After perusal of the record, it is seen that the Order of injunction was passed by directing both the parties to maintain status quo with regard to the nature, character and activities as on this day in respect of the schedule suit property.

*The plaintiff has already filed **one Misc. Case being No. 6 of 2021 for violation of the ad interim order of injunction.** Moreover there is **no cogent evidence which will prove that police help is required.** So this Court is not inclined to allow the petition for police help.*

Hence,

ORDERED

That the instant application under section 151 of the code of civil procedure filed by the plaintiffs for police help is refused on contest.

That the application u/Or 39 r 1 & 2 CPC r/w section 151 CPC is allowed and disposed of on consent without any order as to costs. Both the plaintiff and defendant Nos.1 & 8 are hereby directed to maintain status quo with regard to nature, character, possession and activities as on this day in respect of the suit property till the disposal of the suit.

To 14.08.2024 for hearing of the application u/O 39 Rule 7.”

3. Heard the learned counsel appearing for the petitioner.
4. It appears that the suit before the learned trial court is a suit for partition, wherein an order of status quo is in force.
5. The petitioner prays for police help to ensure that the order of status quo is maintained/obeyed by the parties, has been rejected by the learned trial court.
6. It is submitted by the petitioner that though the petitioner brought before the court several facts in support of their contention that the defendants are changing the nature and character of the suit property, the court has erroneously not considered the prayer of the petitioner for police help.
7. It appears that the trial court has observed that the Misc. Case filed for violation of the ad interim order of injunction is pending. As such the court

was of the view that there being no prima facie evidence which required police help in the suit, the court then proceeded to fix a date for hearing of the application under Order 39 Rule 7, CPC.

8. Thus, considering the issue in the suit and the issue raised by the petitioner herein, a local inspection is necessary for proper adjudication.
9. Accordingly, the civil revision is disposed of with the direction that the trial court shall hear the Misc. Case which has been initiated by the petitioner herein for the alleged violation of the interim order on priority basis expeditiously.
10. The petitioner herein shall be at liberty to produce all evidence in support of the alleged violation and the trial court shall proceed to dispose of the Misc. Case expeditiously in accordance with law.
11. There thus, being no reason to interfere with the impugned order, CO 3501 of 2024 stands **disposed of**.
12. All connected applications, if any, stand disposed of.
13. Interim order, if any, stands vacated.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all formalities.

(Shampa Dutt (Paul), J.)