

02.02.2026
Ct. No. 06
Item 06
Cp

C.O. 4494 of 2025

Manoj Kumar Paul
Vs.
Arabinda Paul & Anr.

Mr. Nirmalya Ray

.....for the petitioner.

Mr. Gopal Chandra Ghosh, Sr. Advocate
Mr. R. K. Mondal

.....for the opposite parties.

Affidavit of service is taken on record.

The petitioner is aggrieved by an order dated November 29, 2025, passed by the learned Civil Judge (Junior Division), Bidhannagar, North 24 Parganas in Title Execution Case No.4 of 2023. The petitioner filed the execution case and prayed that the decretal property may be protected and the petitioner may be allowed peaceful enjoyment in terms of the decree.

The mode of execution in the Columns 10 and 11 was that the court should, with the help of bailiff and/or with the help of the police, ensure that the judgment debtors do not forcefully enter into the premises. The court held that the decree holder merely wanted to restrain the judgment debtors from trespassing into the property.

According to the court, the law did not provide that it was the duty of the court to keep a continuous watch over the property through the bailiff or through the police to ensure that the judgment debtors did not trespass into the property.

Mr. Ghosh, learned senior advocate for the opposite parties, submits that the provisions of Order 21 Rule 32 of the Code of Civil Procedure lays down the procedure how a decree for injunction can be enforced.

I agree with Mr. Ghosh. If the situation so arises that the petitioner requires protection by an order of mandatory injunction upon removal of encroachment allegedly made by the judgment debtors, the petitioner will be at liberty to approach the executing court by filing a proper application under the law.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)