

## Aman Jaiswal Vs Anita Shaw & Ors

**Court:** Calcutta High Court (Appellate Side)

**Date of Decision:** Jan. 10, 2025

**Acts Referred:** Code of Civil Procedure, 1908 " Section 151

**Hon'ble Judges:** Raja Basu Chowdhury, J

**Bench:** Single Bench

**Advocate:** Sanjoy Bose, Priyankar Basu Mallick, Sayandeep Chanda

**Final Decision:** Disposed Of

### Judgement

Raja Basu Chowdhury, J

1. Affidavit of service filed in Court today is taken on record.

2. The learned advocate for the petitioner by placing before this Court two envelopes addressed to the opposite parties would submit that the postal

authority has returned such envelopes with the endorsement addressee left. Let the same be taken on record. He would submit that the previous

attempt made by the petitioner to cause service on the opposite parties was successful. Since the opposite parties did not appear on 3rd January, 2025,

this Court had directed the petitioner to once again serve a notice. Considering the urgency he would submit that the matter should be taken up.

According to him, the opposite parties are avoiding this Court to render the order of injunction infructuous.

3. Despite service non appears on behalf of the opposite parties.

4. The petitioner is aggrieved by the failure on the part of the learned 13th Bench, City Civil Court at Calcutta in Title Suit No. 1016 of 2024 to hear

out the application for police help, for enforcing the order of injunction passed on 27th June, 2024. The petitioner would submit that the opposite parties

despite the order of injunction dated 27th June, 2024 have been not only trying to disposes the petitioner but also blocking the free ingress and egress

of the petitioner to the suit premises. The opposite parties have not bothered to comply with the order of injunction which is valid and subsisting. Such

fact would corroborate from the application filed under Section 151 of the Code of Civil Procedure 1908.

5. Although, the petitioner had moved the above application seeking police help for enforcement of the order of injunction, the learned Court by order

dated 27th November, 2024 had directed such application to be taken up for consideration on 18th December, 2024. On 18th December, 2024 the

learned Court had fixed the hearing of the petition on 20th February, 2025.

6. The petitioner would submit that the petitioner is suffering immensely. The injunction order passed by the learned Court on 27th June, 2024 is being

rendered infructuous. Mr. Bose, learned advocate appearing in support of the aforesaid application prays that this Court may please to hear out the

application under Section 151 of the Code of Civil Procedure or alternatively may direct the learned Court to hear out such application on a particular

date and pending hearing of such application afford adequate protection to the petitioner.

7. Having heard the learned advocate appearing for the petitioner, I am of the view that the learned Court should expeditiously dispose of the

application under Section 151 of the Code of Civil Procedure, 1908, for police help filed on 27th November, 2024, if necessary, by advancing the date

of hearing, within a period of two weeks from the date of communication of this order.

8. In the meantime, the police authorities are directed to ensure that the order passed by the learned Court on 27th June, 2024 is complied with.

9. With the aforesaid observations and directions, the revisional application is disposed of.

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