

MISC. CASE NO.- 01/2018

Order No. - 47

Dt. – 05.04.2019

Today is fixed for order.

Decree holder filed hazira.

Heard argument of Ld. Advocate.

In this case, the petitioner/D. hr. filed the petition for police protection. The petitioner/D. hr. stated that the Seal Bailiff went to the schedule premises to execute the writ of possession with the petitioner on 06.12.2017 at about 04.00 p. m. Thereafter, he read over and explained the content of writ and asked the J. Dr.'s representative to vacate the schedule room as per order of the court. But he refused and resisted the Seal Bailiff. So, the Bailiff apprehending breach of peace, failed to deliver the vacant possession for strong objection on the part of J. Dr.'s representative.

The petitioner supported his case by his Affidavit-in-chief and the evidence of P. W.-1 Sri Prafulla Kumar Das and P. W-2 Joydip Chatterjee the Seal Bailiff of this Court.

On perusal of the materials on records and after considering the evidence it appears to me that the Bailiff Joydip Chatterjee failed to deliver the vacant possession of the schedule premises for the objection raised on the part of J. Dr.'s representative. The report dated 06.12.2017 filed by the Seal Bailiff supported this fact.

After considering the facts and circumstances, I am of the view that there is urgent need of police help for compliance of the order of the Court. Court exists to dispense justice and the parties are bound by the order of the court. But here, in this case the J. Dr. refused to comply the order of the Court. So, state machinery is there to oblige to act as a complaint for violation came to the notice of the court.

Accordingly, to serve the purpose of justice the police help be extended by allowing the petition.

Hence, it is

ORDERED

that the petition for police protection is allowed.

The instant case is disposed off.

D/A is directed to take step for ascertaining the cost required for police help.

Judge, 2nd Bench,
P. S. C. Court, Calcutta.

EXECUTION CASE NO :- 85/2017

Order No. - 48

Dt. – 05.04.2019

None take any steps.

To 02.05.2019 for steps by the petitioner regarding cost.

Judge, 2nd Bench,
P. S. C. Court, Calcutta.