

Rakhi Jaiswal
WB01381

CNR No. WBMD110001652010

Order No. 119

Dated 11-11-2022

Today is fixed for hearing of petition for police help dated 10.08.2018.

Both sides filed two petitions separately praying time on the ground stated therein. Prayer is considered and allowed.

Fixed 12.12.2022 for hearing of petition for police help dated 10.08.2018.

D/C by me.

Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.

Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.

WBMD110001652010

Order No.120

dated 12.12.2022:

To day is fixed for hearing of petition for police help dated 10.08.2018. Decree-holder / petitioner filed hazra. Judgement debtor/OP one petition praying for time on the ground that JDR/OP filed stay petition before upper forum same has not yet been disposed of. On perusal of the record it appears that no stay order is passed in connection with the main suit Misc LR 06/2010 till date. Considering the pendency of the hearing of petition, I am of opinion that time prayer is liable to be rejected.

Heard both the side. Perused the record carefully. Considered.

I.d. Advocate for petitioner submitted that after getting the decree, JDR failed to deliver the possession of the suit property and then this execution petition is filed to execute the decree. Accordingly, court bailiff went to execute the decree on 05.04.2018 but the same could not be executed due to obstruction by JDR and his associates. So the instant petition is filed for police help. On the contrary JDR filed written objection and stated that the instant petition is not maintainable. He further denied the material allegation stated in the petition and stated that JDR filed appeal against the judgement and decree passed by this court but till date no stay order has been passed by the upper forum and if the instant petition is allowed JDR would suffer irreparable loss and injury. Hence, instant petition liable to be rejected.

After perusal the record carefully it appears that the main contention of the decree holder/petitioner is that on 05.04.2018 when the court bailiff went to the suit property for execution of the decree. But the Opposite Party mainly JDR resisted the execution of the writ and openly threatened that if anybody would come to the suit property he would be murdered. JDR uses filthy language. Hence they created such a situation that a breach of

peace might have taken place in the locality if the petitioner proceeds further as there was apprehension of serious breach of peace and tranquility in the locality. In such circumstances, the petitioner/decree holder has prayed for police help for execution of the decree. Further even though appeal is filed against the judgement and decree passed by this court, no stay order has yet been passed by the appellate court and DHR is yet to receive the fruits of the decree passed in his favour. Further On perusal of the report of the process server, it appears that JDR failed to deliver the khas possession to petitioner after passing the decree. It further appears that on 05.04.2018, as per order of the Court, the process server went for executing the decree but the said writ could not be executed as there was apprehension of breach of peace in the locality. In such situation, it appears the police protection is necessary.

Hence, it is

Ordered

that the instant petition dated 10.08.2018 is allowed on contest against judgment debtor

Decree holder to take steps for depositing the cost of such police help.

Send the copy of this order to the In-Charge, Raghunathganj, for ascertainment of cost for the police protection in the disputed property as stipulated in the petition. Copy of the Misc. Case petition & process server's report is to be tagged along with the copy of the order.

To date report from the UC, Raghunathganj regarding the ascertainment of cost.

Instant petition is thus disposed off.

Fixed 19/07/23 for report from I/C Raghunathganj. DA to comply.

Typed & Corrected by me

Civil Judge (Jr. Divn)
2nd Court, Jangipur, Murshidabad.

Civil Judge (Jr. Divn)
2nd Court, Jangipur, Murshidabad.

121
19-07-23

Today is fixed for Report from I/C Raghunathganj. DA to comply
Petitioner filed haZira.

O.P. also filed Adv's haZira.

Dr. P.O. is on Leave. Ld. C.J. (Jr. Divn) 1st Court
is in-charge.

Fix 09-03-2023 for report from I/c Raghunathganj P.S.

d/c

Civil Judge (Jr. Divn)
2nd COURT
Jangipur Murshidabad

Civil Judge (Jr. Divn)
2nd COURT I/c
Jangipur Murshidabad

later

Received the report regarding police cost, at 1:35 P.M.
Let it be kept to the record. To date for order.

Civil Judge (Jr. Divn)
2nd COURT
Jangipur Murshidabad

etc

BA
OK
04/08/23

C
14/10/22

Misc LR 05/2010

Rakhi Jaiswal


WB01381


CNR No. WBMD110001652010
Order No. 122
Dated 09.03.2023

Today is fixed for report from IC, Raghunathganj PS.
Petitioner filed hazira. OP filed hazira. Report is received. Petitioner is directed to
deposite assessed amount.

Fixed 12.04.2023 for depositing amount.

D/C by me.


Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.


Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.

Rakhi Jaiswal

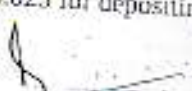
WB01381


CNR No. WBMD110001652010
Order No. 123
Dated 12.04.2023

Today is fixed for depositing cost.
OP filed hazira.
Petitioner filed petition praying for time on the ground stated therein. Prayer is
allowed.

Fixed 11.05.2023 for depositing cost id necessary order.

D/C by me.


Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.


Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.

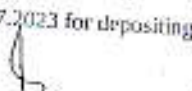
Rakhi Jaiswal


WB01381

CNR No. WBMD110001652010
Order No. 124
Dated 11.05.2023

Today is fixed for depositing cost i.d necessary order.
Petitioner filed hazira.
OP filed petition on the ground stated therein. Prayer is allowed.
Fixed 11.07.2023 for depositing cost i.d necessary order.

D/C by me.


Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.


Civil Judge (Jr. Dvn.) 2nd Court,
Jangipur, Murshidabad.

misc R 06/2010

125
05-06-23

Record is put up today
by a petition.

Challan
Pr. 22.02/15
in 2015

petitioner filed a challan
of Rs. 28,308/- as cost of police
on 11-05-23.

The challan is kept in the record.
Let the challan be passed at once.

24
To date 11-07-23

Civil Judge (Jr. Divn.)
2nd court I/c
Jangipur, Murshidabad

Civil Judge (Jr. Divn.)
2nd court I/c
Jangipur, Murshidabad

Rakhi Jaiswal
WB01381

CNR No. WBMD110001652010
Order No. 126
Dated 11.07.2023

Today is fixed for depositing cost i.d necessary order.
As per resolution of the local bar no adverse order has been passed today.
Hence, for the ends of justice the case is adjourned.
Fix 25.07.2023 for passing order.

D/C
Civil Judge (Jr. Divn.), 2nd Court,
Jangipur, Murshidabad
Civil Judge (Jr. Divn.)
2nd COURT
Jangipur, Murshidabad

Civil Judge (Jr. Divn.), 2nd Court,
Jangipur, Murshidabad
Civil Judge (Jr. Divn.)
2nd COURT
Jangipur, Murshidabad

Misc. LR 06/10

197
14.7.23

The case record is put-up on this day.
Petitioner files writ and one original copy
of deposited challan towards police cost as
per finishti.

Let those be kept with the record.

To date.

D/C

Civil Judge (Jr. Divn.)
2nd Court
Jangipur, Murshidabad

Rakhi Jaiswal

WB01381

CNR No. WBMD110001652010
Order No. 128
Dated 25.07.2023

Today is fixed for passing order.

DHR filed hazira. JDR filed hazira.

Copy of challan along with writ is filed on 14.07.2023. Let the writ be issued after

writ
issued
on 04/08/23

verification.

Nazir to do needful.

Let a copy of this order be sent to I/C, Raghunathganj for compliance.

Fixed 24.08.2023 for execution report.

D/C by me.

Civil Judge (Jr. Divn.) 2nd Court,
Jangipur, Murshidabad.

Civil Judge (Jr. Divn.) 2nd Court,
Jangipur, Murshidabad.

Next Date - 20.9.23.