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30.08.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 3061 of 2024

**Sri Narayan Chandra Singha
Vs.**

**Lt. Surendranath Sau, represented by legal
heirs Lt. Rabindranath Sau, represented by his
legal heirs – Sri Rajib Sau & Ors.**

Mr. Masud Mallik ... For the petitioner.

Mr. Supratick Sayamal,
Mr. Gouras Ghosh ... For the O. P. Nos. 1 to 5.

The petitioner has suffered a decree of eviction, the said decree has been put into execution giving rise to *Execution Case No. 31 of 1981* before the 2nd Court of learned Civil Judge, (Junior Division) at Contai, District – Purba Medinipur.

In the said execution case the decree-holders/opposite parties applied for grant of police help under Order XXI Rule 97 of the Code of Civil Procedure read with Section 208 of the Civil Rules and Orders. The executing Court by the Order No. 264 dated July 22, 2024 had allowed the said application.

The petitioner aggrieved by the said order has preferred an appeal being connected *Title Appeal No. 54 of 2024*. The appeal Court below by the order impugned being Order No. 02 dated August 01, 2024 has refused to grant stay of operation of the order under challenge in the said appeal.

The order impugned does not call for any interference.

The Appeal Court below before proceeding with the said appeal shall decide its maintainability first.

C.O. 3061 of 2024 is dismissed without any order as to costs.

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

(Biswajit Basu, J.)