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19.11.2020.
b.d/d.p.

**C.O. 1337 of 2020
(Via Video Conference)**

**Tarak Nath Mahalanabish
-vs-
Smt. Ruma Sarkar & Ors.**

**Mr.Prabir Kumar Chowdhury,
Mr. Phatick Chandra Das.
...For the Petitioner.**

The petitioner is the plaintiff in a suit for specific performance for execution of certain properties of a sale deed concerning a property where the petitioner is presently residing.

Learned counsel appearing for the petitioner has assailed an order dated 12th July, 2019 passed by the Learned Civil Judge, Senior Division, 1st Court at Barasat by which an application filed by the petitioner under Section 151 of the Code of Civil Procedure for repairing of the suit property was rejected. Counsel submits that the petitioner had placed the evidence before the learned court below which showed that the property was in need of the repairs but that the learned Judge disregarded the evidence. Counsel submits that issues are being framed in the suit and that the next date for hearing has not been indicated by the learned court.

On perusing the impugned order dated 12th July, 2019, this Court is of the view that the learned Judge clearly indicated that relevant records for assessing the order prayed for had been considered. It is only upon considering such materials that the learned Judge found that the petitioner had failed to show anything

before the court which would warrant allowing the prayer for repairs to the suit property. The prayer was hence rejected. It is important to mention that the impugned order does not mention any photographs, which is now being sought to be placed before this Court.

In view of the impugned order being clear by way of the reasons for passing the same, this Court does not find any infirmity in the said order. Since the suit is at the stage of framing of issues, the petitioner/plaintiff will have enough opportunity to pray for appropriate relief in the said suit.

Learned court below is however, requested to expedite the proceedings and make an attempt to dispose of the suit within a period of twelve weeks from date.

C.O. 1337 of 2020 is accordingly, rejected.

(Moushumi Bhattacharya, J.)