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09.02.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO 1646 of 2020

M/s. Park View Clinic
-versus-
Sri Amit Sen & ors.

Mr. Bhudeb Chatterjee,
Mr. Basudeb Ghosh,
... for the petitioner.

Mrs. Sohini Chakraborty, ... for the opposite parties.

The defendant in a suit for eviction is the petitioner of the present revisional application under Article 227 of the Constitution of India which is directed against the order dated February 25, 2020 passed by the learned Civil Judge, Junior Division, 3rd Additional Court, Alipore, District: South 24 Parganas in the suit being Title Suit No. 66 of 2014.

The learned Trial Judge by the order impugned has dismissed an application filed by the defendant seeking repair of the suit property.

This Court by the order dated January 29, 2021 directed the petitioner to file a supplementary affidavit indicating the repair works proposed to be executed in the suit schedule property.

Mr. Bhudeb Chatterjee, learned counsel appearing on behalf of the petitioner, files such supplementary affidavit which is taken on record.

A copy of the said supplementary affidavit has been supplied to Mrs. Chakraborty, learned counsel appearing on behalf of the plaintiffs/opposite parties.

Mrs. Chakraborty in her usual fairness submits that her clients have no objection if the repair works are carried out strictly in terms of the said supplementary affidavit.

This Court appoints **Mr. Rajendra Banerjee, Advocate of Bar Association Room No. 5**, High Court, Calcutta, as the Special Officer to oversee the execution of such repair works.

The petitioner shall supply the copy of the supplementary affidavit to the Special Officer.

The Special Officer shall ensure that the repair works must be completed within eight weeks from the date of commencement of such works.

The remuneration of the Special Officer is fixed at Rs. 20,000/-to be paid by the defendant/petitioner. The said remuneration is required to be paid before commencement of the repair works.

The suit is at the peremptory hearing stage. It is made clear that notwithstanding the pendency of the execution of the said repair works the learned Trial Judge shall proceed with the further hearing of the suit and shall make all endeavour to dispose of the said suit expeditiously, preferably within a period of six months from the date of communication of this order.

CO 1646 of 2020 is disposed of with the above terms.

No order as to costs.

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

(Biswajit Basu, J.)