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C.O. 193 of 2022

**Charu Chandra Karmakar & Ors.
Vs
Ruksena Bewa & ors.**

Mr. Subhasis Sarkar,
Mr. Musharraf Alam Sk.

... for the petitioners.

The subject matter of challenge in this revisional application is against the appellate decision dated 9th November, 2021, passed in Miscellaneous Appeal No. 37 of 2011 of learned Additional District Judge, First Court, Malda, directing both the parties to maintain status quo in respect of the suit property till disposal of the suit.

Mr. Subhasis Sarkar, learned advocate appearing for the petitioners /defendants submits that there is a school run by defendants in the suit property, and in view of such status quo order being granted by the First Lower Appellate Court in the referred Misc. Appeal, there cannot be any repairing work undertaken.

Since the school run over the suit property needs immediate repairing, learned advocate for the petitioners, proposes that an order may be there,

modifying the order of status quo, so that the repairing work in respect of the suit property may be undertaken.

Incidentally it is also submitted that there has been some observations made in the Misc. Appeal, by which the Court below may be influenced in the event of any application for repairing is made.

Upon perusal of the impugned order, it appears that First Lower Appellate Court has disposed of the Misc. Appeal giving a reasoned order thereby directing both the parties to maintain status quo in respect of the suit property till the disposal of the suit.

There is no express perversity shown in the impugned order occasioning thereby a failure of justice.

The injunction application, as per submission disclosed by the learned advocate for the petitioners, has already been disposed of.

That being the position, this court finds reasons to dispose of the revisional application giving liberty to petitioners to file an application for the proposed repairing work before the Court below, and if any such application is filed for repairing, the same shall be decided in accordance with the law, independently subscribing his independent and own findings.

Petitioners are directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)