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C.O. 1212 of 2022

**Smt. Nirmala Maity
Vs
Smt. Kalyani Ray & Ors**

Mr. Subhrendu Halder, ... For the petitioner.

Mr. Kaustav Chandra Das,
... For the opposite parties.

The subject matter of challenge in this revisional application is against the order dated 22nd February, 2022 passed by learned Civil Judge (Junior Division), 3rd Court, Alipore in Ejectment Suit No. 43 of 2014 refusing to allow the prayer for repairing proposed by the petitioner/defendant.

The proposed repairing was made by the petitioner/defendant/tenant for the suit premises having suffered damages. It is thus submitted that intended repairing work in respect of the suit premises was necessary to make the suit premises suitable and habitable.

Learned advocate for the petitioner/defendant submits that the Court below has erroneously rejected the prayer for repairing in spite of the extent of the damages suffered by the suit premises having been established before the Court below.

As against the prayer for proposed repairing, learned advocate appearing for the plaintiffs/opposite parties candidly submits that the proposed repairing

work may be undertaken, and concluded within a fortnight, giving a further direction so that the pending suit may be expeditiously disposed of, as the suit has already set for peremptory hearing, wherein cross-examination of PW 1 has resumed.

In view of candid submission of learned advocate for the opposite parties/plaintiffs, no further elaboration is necessary.

The impugned order is set aside, directing petitioner/defendant to undertake the proposed repairing, and conclude the same within a fortnight without doing permanent construction in the suit premises, and a report of compliance may be furnished before the Court below, immediately after completion of the proposed repairing work, upon notice to the learned advocate appearing in the Court below for the plaintiffs/opposite parties.

Since it is an eviction suit instituted in the year 2014, and that suit has already been set for peremptory hearing for cross-examination of PW 1, a direction to ensure expeditious disposal of suit is felt necessary.

Learned Court below is thus requested to ensure expeditious disposal of pending eviction suit, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournments, unless it is extremely

unavoidable.

Such exercise may be undertaken by the Court below, bearing in mind the year of institution of suit, and the Court below and proceed with the disposal of the suit, in the manner, as situation of the case, would demand, so as to dispense with the justice in a best possible and expeditious manner, preferably within a period of six (06) months from the date of communication of this order.

Petitioner is 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)