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C.O. 1269 of 2022

**Dipankar Ghosh
Vs
Saila Rani Ghosh & Ors**

Mr. Sudip Das, ... For the petitioner.

**Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
... For the opposite parties.**

The subject matter of challenge in this revisional application is against the rejection of a prayer filed by the petitioner/plaintiff praying for cleaning the suit pond and further permitting him to continue with the pisciculture in the suit pond.

It is submitted by the learned advocate appearing for the petitioner that cleaning of the pond is extremely necessary to weed out the aquatic plants from suit tank, otherwise the fishes grown in the pond may not survive.

It is with this purpose, cleaning of the pond is extremely necessary, learned advocate for the petitioner argues.

Mr. Sounak Bhattacharya, learned advocate for the opposite party Nos. 5,6,10, and 11, adverting to paragraph 17 of the plaint, submits that the lease agreement already entered into between the parties, has already been expired, and the

plaintiff/petitioner is not in exclusive possession of the pond, so as to continue with the pisciculture of the suit pond.

It is also contended by Mr. Bhattacharya that there is an order of status quo regarding the nature, character and possession of the suit property, already granted by the Court below, and if permission is accorded to clean the pond, even after expiry of the period of lease, there would be serious violation of the order granting injunction passed by the Court below.

Having considered the submission of both the parties, it appears that the petitioner was previously permitted for undertaking pisciculture in the suit pond on the strength of a lease deed being executed between the parties for a term of three years commencing from 2018 to 2020.

The lease period in the mean time has already been expired. With the expiry of the lease period, the plaintiff is no longer authorised to continue with pisciculture in the suit pond to the deprivation of other co-sharers of pond..

By operation of law, the possession made over to the petitioner to continue with the pisciculture in respect of suit tank stands automatically extinguished at least to continue with pisciculture in respect to the suit pond, Mr. Bhattacharya argues.

Upon perusal of the impugned order, it appears

that the Court below has duly considered the facts and circumstances involved in this case, and rejected the prayer upon due exercise of his discretion.

The discretion thus having been lawfully exercised in terms of the provisions of the law, such discretionary order must go unaltered.

The impugned order as such does not call for any interference.

The revisional application is thus dismissed and accordingly disposed of.

(Subhasis Dasgupta, J)