

Item-5 22-02-2022

FMAT 769 of 2021
CAN 1 of 2022

sg Ct. 8

Tarun Kumar Ghosh
Versus
Shyamal Dutta

(Through Video Conference)

Mr. Subham Gupta, Adv.
...for the appellant

Mr. Mainak Bose, Adv.
Mr. Gautam Das, Adv.
Mr. P. Das, Adv.
...for the respondent

We have heard the learned Counsel for the parties.

It has been fairly considered by the learned Advocate representing the appellant/plaintiff that an application for local inspection and repairing may be required to ascertain the nature and extent of the repair to be carried out in the suit premises and in absence of that, there may be some difficulty in deciding the real nature of the repairing work proposed to undertake by the appellant.

Under such circumstances, without interfering with the order passed by the learned Trial Judge, we dispose of the appeal with the observation that, it would be open to the appellant to make an appropriate application for repairing and in the event the said application is made, the learned Trial Court shall decide the said application uninfluenced by its earlier order.

The appeal and the connected application are accordingly, disposed of.

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

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)