

19.10.2022
Sl.No. 3
sn

C.O.3263 of 2022

Tuhin Mukherjee
Vs.
Smt. Sutapa Das & Anr.

Mr. Arik Banerjee
Mr. Altamash Alim
Mr. Sumit Biswas
Ms. Rajashree Bhowmick
..for the petitioner

The petitioner is aggrieved with the impugned order, i.e. the order dated September 29, 2022 passed by the learned 2nd Civil Judge(Junior Division), Alipore. The matter here relates to the dispute between the petitioner and the opposite parties and the following Court case, that the petitioner is the owner of the first floor of the suit property and regularly for the last five to six years has conducted 'Kalipuja' at the roof of the premises, which is a common property.

The plaintiff, i.e. the owner of the ground floor of the premises has espoused his cause in the Court below by filing a suit in which the learned trial court has refused the interim order to the plaintiff. However, the first appellate Court has granted an order as impugned in this case in favour of the plaintiff dated June 23, 2022, granting status quo to be maintained by both the parties as regards the nature and character of the suit property. However, at the same time, the Court directed that the

Kalipuja should not be conducted in the premises 'which may change the nature and character of the suit property'.

At present, the petitioner, by filing this instant revision case prays for necessary modification in the impugned order so that he can continue Kalipuja as in the earlier years.

A copy of the petition has not yet been served upon the opposite parties. However, it is learnt that the opposite parties have not preferred any Caveat to be filed in this Court.

Considering the entire facts and circumstances of this case, I find it not to be imperative to direct the petitioner to serve a copy of the present petition to the opposite parties as the petitioner has come up with a limited prayer.

Let the impugned order be modified to the extent that the petitioner is allowed to celebrate Kalipuja in the first floor as well as the roof of the suit property. However, in doing so, the petitioner shall ensure that the nature and character of the suit property remains in tact, as has been directed by the learned first appellate Court. The other directions in the impugned order remain as it is.

The revisional application is disposed of.

All parties are to act on the basis of the server
copy of this order.

(Rai Chattopadhyay, J.)