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C.O. 23 of 2023

**Sk. Abdul Rajjak
Vs
Sk. Abdul Rouf**

Mr. Nonigopal Chakraborty,
Mr. Md. Kutubuddin,

... For the petitioner.

Mr. Md. T. M. siddiqui,
Mr. Sandip Mondal,
Mr. N. Chowdhury,

... For the opposite party.

Mr. Sandip Das,

... for the opposite party.

While assailing the impugned order dated 21st December, 2022 allowing repairing work, Mr. Nanigopal Chakraborty, learned advocate appearing for the petitioner submits that under the garb of repairing work, there would be complete change undertaking renovation work of a shop in question, which is not permissible under the law.

The proposed repairing, according to the petitioner, has been couched in such a way that there will be total change in the look and character of the shop in question.

Per contra, Mr. Md. T. M. Siddiqui, learned advocate appearing for the opposite party submits that Court below has considered all possible aspects while allowing the proposed repairing work, and when with the appointment of Advocate Commissioner, the proposed repairing work has been directed to be

conducted, there is no scope of undertaking any repairing work at the sweet will of opposite party beyond its periphery.

It is thus submitted by the learned advocate for the opposite party that there is no scope of undertaking any further repairing work behind the back of the learned Advocate Commissioner already appointed for the purse. More so, a report is required to be submitted by the learned Advocate Commissioner, in respect of completion of the proposed repairing work.

Having considered the submissions of both sides, it appears that only apprehension of the petitioner is that under the garb of repairing work, there may be a complete change in the nature and look of a shop in question, allegedly under the possession of the defendant/opposite party.

When there has been already appointed learned Advocate Commissioner to oversee the proposed repairing work, there is hardly any reasons in justification of the apprehension as suffered by the petitioner.

The impugned order is, however, clarified that the proposed repairing work, allowed by an order dated 21st December, 2022 passed in Title Suit No. 91 of 2016 of learned Civil Judge (Junior Division), 2nd Additional Court, Diamond Harbour, would not give rise to any claim of equity, by reason of the order favouring

repairing work to the opposite party.

The revisional application stands disposed of.

The impugned order is thus modified to the extent, mentioned hereinabove.

Parties are directed to make communication of this order to the learned Court below.

(Subhasis Dasgupta, J)