

ML 15
05.06.2023
Court. No. 19
GB

C.O. 1182 of 2023

Sri Somnath Dutta & Anr.
Vs.
Sri Pratim Kumar Daw

*Mr. Chandra Bhanu Samanta,
Ms. Kajal Chattopadhaya*

...for the Petitioner.

The petitioners pray for a direction upon the learned 12th Bench, City Civil Court at Calcutta to dispose of the application for repairing filed in connection with Title Suit No.1189 of 2021.

It appears that the petitioners filed the application for repairing on January 31, 2023 and submits that unless the petitioners are allowed to remove the bamboo shuttering and scaffolding, the petitioners will not be able to utilize the staircase which leads to their residential accommodation, situated at 2B, W.C. Banerjee Street.

It appears to the Court that in an appeal preferred before this Court from an order passed in a writ petition, the petitioners were granted liberty to approach an Engineer Commissioner with their prayer for urgent repairs.

It is submitted that the petitioners approached the Engineer Commissioner with a prayer for allowing removal of the scaffolding and the bamboo used for shuttering work. The said application was allegedly, not entertained.

Thereafter, the petitioner approached the learned trial court by filing the application for repairs under Section 151 of

the Code of Civil Procedure. The said application has been kept pending since long. It is prayed before this Court to direct the learned trial court to dispose of the said application for repairs, immediately.

Considering the urgency involved and without going into the merits of the claim of the petitioners, the application is disposed of with a direction upon the learned trial court to dispose of the application for repair, strictly on its own merits upon allowing an opportunity to the plaintiff to contest the same. Such disposal shall be within a period of two months from the next date fixed.

As an innocuous order for expeditious disposal of the application for repairing is being passed, the Court does not deem it necessary to issue notice upon the opposite party, prior to disposal of this revisional application.

The petitioners are directed to serve a copy of the revisional application along with a server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

This court has not entered into the merits of the contentions of the petitioner.

However, there will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)