

19.09.2023
Court No. 19
Item no.12
CP

C.O. No. 1272 of 2023

Puspa Ranjan Dawn (since deceased) represented
by his legal heirs Smt. Krishna Dawn & Ors.

Vs.

Sri Bidyut Nag & Ors.

Mr. Sanjay Mukherjee

.....for the petitioners.

Mr. Mohan Kumar Putatunda

Mr. Abhinaba Chatterjee

....for the opposite parties.

The revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 1st Court, Paschim Medinipore to appoint a learned advocate commissioner to make an inspection of the damaged tenanted portion, which is in the occupation of the petitioners.

Upon considering the allegations of the tenants that the roof of the tenanted portion had been damaged, leading to seepage of water and causing further damage to the walls, the learned Trial Judge had allowed the prayer for repairing. The landlord has challenged such order.

The landlord now submits that as the access to the premises would have to be through the landlord's private residential area, in order to preserve his privacy, the landlord himself would undertake the repair work at his own cost.

With regard to the nature and extent of repair required at the tenanted property at the present, a commission will be held at the cost of the petitioners. The learned advocate commissioner shall inspect the tenanted property in presence of both the parties. A report shall be prepared with regard to the extent of damage of the tenanted portion which includes roofs, walls etc. On the basis of such report, the landlord shall repair the property and make the tenanted property usable, strong and sturdy.

The commissioner shall be appointed within three weeks from the date of communication of this order, and the repair shall be completed within two months from receipt of the commissioner's report. The entire exercise shall be completed within a period of four months from date.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

The learned Court below will also act on the basis of a server copy of this order.

(Shampa Sarkar, J.)