

03.10.2023
Court No. 19
Item no.39
CP

C.O. No. 2176 of 2023

Swadesh Ranjan Santra
Vs.
Namita Mondal & ors.

Mr. Sandip Das

.....for the petitioner.

Mr. Ayanabha Raha
Ms. Debapriya Mondal

.....for the opposite parties.

The revisional application does not call for any interference. By the order dated June 20, 2023, passed in Title Suit No. 273 of 2014, the learned Civil Judge (Junior Division), Kakdwip allowed an application for repair of a V-shaped boundary wall situated beside a government 'dhalai' road. According to the learned court below, from a perusal of the report of the commissioner it appeared that the wall on the western side of the suit plot was partially in a dilapidated condition. The said wall was adjacent to a public road and if such wall was not allowed to be repaired, accidents could occur and cause injury to the pedestrians. The learned court also directed that the plaintiff would not claim any equity in respect of such repair work.

It is submitted that the repair work is complete.

Under such circumstances, there is no scope for interference with the order impugned. The petitioner's interest is sufficiently protected. This is a suit for declaration, demarcation and permanent injunction. The order allowing repair of a boundary wall will not affect the rights and liabilities of the parties in the main suit. The opposite parties cannot claim any advantage on the basis of the order permitting repair.

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.

(Shampa Sarkar, J.)