

09.10.2023
Item No. 39
Ct. No. 7
PG

C.O. 3116 of 2023
Sri Suchintya Bhabak
Vs.
Ashoke Das

Mr. P. Deb
Mr. P. Bose
Mr. A. Goswami.....for the petitioner

The order dated August 3, 2023 passed by the learned Civil Judge (Junior Division), 1st Court at Barasat in Title Suit No. 407 of 2009 is under challenge at the instance of the plaintiff. By the order impugned, the application filed by the defendant no. 1 for repairing of the katcha house over the B-schedule property was allowed.

The learned advocate appearing for the petitioner submits that in the garb of repairing, defendant no. 1 shall make a new construction.

The learned advocate further submits that there is no existence of any room, which is to be repaired by the defendant no. 1.

After going through the written objection filed by the plaintiff against the repairing application, this Court finds that the plaintiff has admitted the existence of a hut. In view thereof, it cannot be said

that there is no existence of any room, which the defendant no. 1 is trying to repair.

However, in the event the defendant no. 1 attempts to make any construction of a new building in the garb of repairing work permitted by the learned trial Judge by the order dated August 3, 2023, it will be open to the petitioner herein to take appropriate steps in that regard before the learned court below.

With the above observations, C.O. 3116 of 2023 stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties expeditiously upon usual formalities.

(Hiranmay Bhattacharyya, J.)