

M/L 163
13.11.2024
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1022 of 2024

Smt. Ashima Seal & Ors.
Versus
Smt. Rita Seal & Ors.

Mr. Subhojit Saha
Mr. Agniswar Bhuinya
... For the petitioners.

1. The present revisional application has been filed challenging order no.46 dated 8th February, 2024 passed by the learned 13th Bench in the City Civil Court at Calcutta in T.S. No. 1484 of 2015.
2. Since, it is admitted that during pendency of the revisional application the repair work of the suit property has already been carried out, I am of the view that no fruitful purpose will be served in keeping the revisional application pending.
3. Mr. Saha, learned advocate appearing on behalf of the petitioner would submit that though the learned trial court had permitted the defendant no.3/opposite party to carry out repair work with utmost care and protection with a specific direction not to make any construction work, addition, alteration or renovation at the suit property, no compliance report in that regard was directed to be filed. He submits that the plaintiffs/petitioners have no access to the defendants' portion of the suit

property wherein the repair work had been carried out. As such, he prays for a necessary direction so that the plaintiffs/petitioners can inspect the suit property so as to ascertain whether the repair work has been carried out in accordance with the direction passed by the learned trial court.

4. On 7th November, 2024, when the matter was taken up for consideration the opposite parties were represented. Today, at the time of hearing none appears on behalf of the opposite parties.
5. Having heard the learned advocate appearing for the plaintiffs/petitioners since it does not appear from the order impugned that there is any direction upon the defendant/opposite party no.3 to file any affidavit upon completion of the repair work to demonstrate compliance of the order dated 8th February, 2024, I am of the view that the plaintiffs/petitioners should be permitted to carry out an inspection.
6. In view thereof, I grant liberty to the plaintiffs/petitioners to apply before the learned trial court for an appropriate order so that the portion which has been repaired can be inspected.
7. If such application is filed by the plaintiffs/petitioners, the learned trial court shall

expeditiously hear out and dispose of the same.

8. With the above observations and directions, the revisional application, being CO. 1022 of 2024 is disposed of.

(Raja Basu Chowdhury, J.)