

March 14, 2024
Sl. No.19
Court No.19
s.biswas

CO 1852 of 2023

Ashoke Chakraborty and others

vs.

Sri Sri Madan Gopal Jeu Thakur

Mr. Sattwik Bhattacharyya

Mr. Aashutosh Bhattacharyya

... for the petitioners

Mr. Sanjib Das

Mr. Madhusudan Mukhopadhyay

... for the opposite party

Both the parties have appeared before this court. It is submitted by the landlord/opposite party that the tenanted portion, which is the subject matter of Title Suit No.282 of 2017, pending before the learned Civil Judge (Junior Division), 2nd Court, Bardhaman, requires immediate and urgent repair. It is a shop room. The petitioners claim to be the tenants.

The petitioners filed an application for repair in the trial court. Such prayer was turned down by the learned court with certain reasons and it appears that at the relevant point of time, the petitioners were also restrained by the landlord. However, it has been submitted by the landlord that they are willing to undertake repair because admittedly the tenanted portion of the premises is in dilapidated condition as the building is 100 years old.

Under such circumstances, the revisional application is disposed of with a direction upon the learned trial judge to appoint an engineer, who is qualified to make an inspection, and to prepare a

report indicating the repairs required to be undertaken. He shall also supervise the repair works. The engineer will be nominated from the panel of enlisted civil engineers maintained by the Purba Bardhaman Municipality. The repair work will be undertaken by the landlord under the direct supervision and regular monitoring of the engineer to be appointed by the learned court. The cost shall be borne by the landlord. The tenants will co-operate. It shall be ensured that the possession of the tenants is retained during such repair work. The entire exercise shall be completed within a period of six months from the date of communication of this order. The suit shall continue in accordance with law.

The revisional application is accordingly disposed of.

All the parties are directed to act on the basis of the server copy of the order.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)