

20.06.2024
(D/L-14)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2112 of 2024

Sri Sri Dharmaraj Jew Thakur represented
by Sebait Smt. Supti Pandit & Ors.

-Vs-

Sri Sri Dharmaraj Jew Thakur represented
by Sebait Sri Samir Pandit & Ors.

Mr. Aswini Kumar Bera,
Mr. Arijit Bera,

... For the Petitioners.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for partition and is directed against order No.29 dated June 04, 2024 passed by the 2nd Court of learned Civil Judge (Senior Division), Paschim Midnapur in the said suit being Title Suit No. 656 of 2018.

The learned Trial Judge by the order impugned has allowed an application filed by the defendant nos. 7-10 and 16-18 for repair of the joint property subject to filing of an undertaking in the form of affidavit that they would not make a new construction under the grab of repairing and shall only replace the old tiles, the wooden/bamboo support upon the existing structure and would repair mud wall and floor and shall not cause any disturbance to the other co-sharers.

The right of a co-sharer to enjoy the portion joint property in his occupation is well recognized as such the learned Trial Judge has rightly allowed the application for repair.

The order impugned, therefore, does not call for any interference.

C.O. 2112 of 2024 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)