

In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)
C.O. 2510 of 2024
Tapan Mondal
Vs.
Dibakar Karar

Mr. Pinaki Ranjan Mitra ... For the petitioner.

Mr. Abhisek Banerjee ... For the opposite party.

The instant application under Article 227 of the Constitution of India is at the instance of the of the plaintiff in a suit for declaration of title and is directed against the order dated June 10, 2024 passed by the 6th Court of learned Civil Judge, (Junior Division) at Howrah, in the said suit being Title Suit No. 694 of 2021.

The opposite party is claiming that he has a factory shed at the suit premises which is in a dilapidated condition and for repair of it he had filed an application.

The learned Trial Judge by the order impugned has allowed the said application.

The petitioner is denying the existence of such factory shed at the suit premises.

Under such circumstances, the opposite party was directed to produce documents to demonstrate that the opposite party has a running business at the suit premises.

In compliance with the said direction, the learned advocate for the opposite party produces a copy of the Certificate of Enlistment of the business of the opposite party for the year 2024-2025 issued by the License Department, Howrah Municipal Corporation, wherefrom it appears that the opposite party is the proprietor of one shop room under the name and style of 'Machine Shop, Turning Shop' (Standard) at Ichapur, Pallavpukur, Howrah.

The address of the suit premises is 73A, Phanindra Nath Dey Sarani, Police Station – Jagacha, District – Howrah, which is not matching with

the address of the business of the opposite party disclosed in the said certificate, therefore, grant of permission to the opposite party to repair the alleged factory shed would cause unnecessary complication in deciding the rival claims of the parties which would be determined by trial on evidence. The order impugned, therefore, is set aside.

C.O. 2510 of 2024 is thus allowed 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.)