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Ct. 19
05.08.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

**C.O. No. 2432 of 2023
I.A. No : CAN 1 of 2024
CAN 2 of 2024
CAN 3 of 2024**

**Laxman Hansda & Ors.
Vs.
Bankim Bhunia & Ors.**

Mr. Mukunda Lal Sarkar ... For the petitioners.

Affidavit-of-service filed on behalf of the petitioners
be kept with the record.

The matter has been brought to the supplementary
list as Mr. Mukunda Lal Sarkar, learned advocate for
the petitioners prayed immediate hearing of it.

The instant application under Article 227 of the
Constitution of India is at the instance of the
defendants in a suit for eviction of licensee and is
directed against the order dated May 30, 2023 passed
by the learned District Judge, Paschim Medinipore in
Miscellaneous Appeal No. 127 of 2022, thereby
affirming the order dated July 18, 2022 passed by the
3rd Court of learned Civil Judge (Junior Division),
Paschim Medinipore in Title Suit No. 632 of 2019.

The learned Trial Judge by the order dated July 18,
2022 had allowed an application filed by the plaintiffs
under XXXIX Rules 1 and 2 of the Code of Civil
Procedure by restraining the defendants from

disturbing the peaceful possession of the plaintiffs in respect of schedule A and B properties and also not to make any new construction or any other act to change the nature and character of those properties till the disposal of the suit.

The defendants, aggrieved by the said order had preferred the connected Misc. appeal. The appeal Court below by the order impugned has dismissed the said appeal.

This Court is not inclined to interfere with the concurrent findings of both the Courts below in exercise of power under Article 227 of the Constitution of India.

Mr. Sarkar, learned counsel for the petitioners submits that the suit property is in dilapidated condition and requires immediate repair.

The petitioners are at liberty to approach the learned Trial Judge with appropriate application.

C.O. 2432 of 2023 is therefore dismissed without any order as to costs.

In view of the dismissal of the revisional application, the connected applications being I.A. No : CAN 1 of 2024, CAN 2 of 2024 and CAN 3 of 2024 are also dismissed without any order as to costs.

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.)

