

S/L 3
20.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3303 of 2024

Smt. Ira Das
Vs.
Aparna Chatterjee

Mr. Abhijit Ray
Mr. Santu Nandy

... for the Petitioner.

Mr. Saptanshu Basu, Sr. Adv.
Mr. Biswabrata Basu Mallick
Mr. Mohit Gupta
Mr. Y. Mosharaf Hussain
Mr. Jit Roy

... for the Opposite Party.

Mr. Indranuj Dutta

... the Special Officer.

The petitioner has suffered a decree of eviction in Ejectment Suit No.38 of 2007 and aggrieved thereby, has preferred the connected *Title Appeal No.7 of 2022* pending before the learned Judge, 3rd Bench, City Civil Court at Calcutta.

The petitioner alleging that the opposite party is obstructing her access to the common bath and privy has filed an application in the said appeal.

The grievance of the petitioner is that the learned Trial Judge by the order impugned being Order No.44 dated August 12, 2024 has deferred the hearing of the said application.

Considering the nature of the prayer of the petitioner, this Court had appointed Mr. Indranuj Dutta, learned advocate of this Court as *Special Officer*.

The *Special Officer* has inspected the suit property and has filed his report before this Court today, which is taken on record; copy thereof has been supplied to the learned advocate for the parties.

Mr. Basu, learned senior advocate for the opposite party submits that there is no obstruction, as alleged from the end of his client.

It appears from the report of the *Special Officer* that the passage through which the petitioner is claiming access to the bath and privy does not form part of her tenancy.

However, considering the submission of Mr. Basu and the existence of an alternative route for the petitioner to have access to the said common bath and privy, the prayer of the petitioner to have access to the common bath and privy through the said passage cannot be allowed.

In view of the above, the application filed by the petitioner in the appeal be treated as *disposed of*.

However, the opposite party shall not, in any way, cause any obstruction to the petitioner in her use of the said common bath and privy, so long she is in possession of the suit property.

The *Special Officer* stands discharged.

The appeal court below is requested to expedite the disposal of the appeal without entertaining any prayer for adjournment of the parties.

CO 3303 of 2024 is disposed of with the above observations 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 copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)