

11.06.2025

Court No.652

Sl. No.20
Mujahid

CO 432 of 2025

**Abu Kalam Mondal & Anr.
Vs.
Roshonara Mondal**

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Haldar

...for the petitioners

Mr. Debanik Banerjee,
Mr. Aniruddha Ganguly,
Mr. Krishna Nanda Dey,
Ms. Huzaifa Shahid

...for the opposite party

1. Learned counsel for the opposite party states that in term of the order dated 8th January, 2025, the repair work has already been carried out and the compliance report had also been filed. Learned counsel, therefore, submits that present petition has become infructuous.

2. Learned counsel for the petitioners submits that in fact the repair/construction which has been carried out is incomplete violation of order dated 8th January, 2025 and the opposite party respondent has carried out new construction.

3. Perusal of the record and on consideration of the submission transpires that the repair has already been carried out, pursuant to the order dated 8th

January, 2025. Whether that such repair/construction is in terms of order dated 8th January, 2025 or in violation of the same has to be determined by the learned trial court. The petitioner shall be at liberty to move an appropriate application before the learned trial court, if it considers that there is a violation of such order.

4. Learned counsel submits that in the circumstances it does not want to pursue the present petition and the present petition may be disposed off. In the circumstance present petition is disposed off, with the liberty to the petitioner to file appropriate application before the learned Trial Court. It is made clear that this court has not gone into the merits of the case and all contentions have been left open.

5. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Dinesh Kumar Sharma, J.)