

Court No. 6
(265719)

06.03.2025
(AD 5)
(S. Banerjee)

CO 629 of 2025

Md. Salim Quraishi
Vs.
Mansoor Ali

Mr. Ivan Roy
Mr. Debangshu Bandyopadhyay
Mr. S. Dey

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction and is directed against orders dated January 18, 2025 and February 1, 2025, both passed by the learned Civil Judge, (Jr. Division), Chandannagar in Title Suit No. 87 of 2013.

By the order dated January 18, 2025 the learned trial Judge rejected the prayer for repair. Thereafter the petitioner filed an application under Section 151 of the Code of Civil Procedure to recall the order dated January 18, 2025 which stood rejected by the order dated February 1, 2025.

After hearing the learned advocate appearing for the petitioner and upon perusing the Commissioner's report, this Court finds that the learned Commissioner has reported that the northern wall of the western part is in good condition except the upper

portion of outer wall of the tile shed covered veranda which is adjacent to the eastern side room of the suit property. It further appears that the salt peters have occurred on the upper portion of the northern side outer wall of the tile shed covered veranda. The Commissioner further reported that there is no roof over the eastern side room and also that there is no existence of the northern wall of the eastern side room.

Thus it appears to this Court that the petitioner is trying to reconstruct and not repair the premises in question, which is not permissible.

Learned trial Judge has assigned cogent reasons for rejecting the application for repairs. The application under Section 151 of the Code of Civil Procedure praying for recalling the order dated January 18, 2025 was rightly rejected as the petitioner was heard and an order was passed considering the materials that were available with the record.

For such reasons this Court is of the considered view that the learned trial Judge was right in not recalling the order dated January 18, 2025.

Since the suit is for eviction and the same is pending from the year 2013 and the evidence of the

defendants is going on, CO 629 of 2025 is disposed of by requesting the learned Civil Judge (Jr. Division), 1st Court at Chandannagar, Hooghly to dispose of Title Suit No. 87 of 2013 as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)