

D/L- 21
25/03/2025
Ct. No.-6
Aritra

C.O. 1030 of 2025

**Mehmud Ansary @ Md. Mahamood Ansari
Vs.
Mehbub Gazi & Ors.**

Mr. Dipta Dipak Banerjee
Mr. Diwakar Pattak
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant No.2 and is directed against an order dated September 12, 2024 passed by the learned Civil Judge (Jr. Div.), 3rd Court at Alipore to dispose of the Ejectment Suit No.47 of 2011 expeditiously.

By the order impugned the application under Order 39 Rule 7 of the Code of Civil Procedure filed by the petitioner herein stood rejected.

The learned advocate appearing for the petitioner submits that the suit property is in a dilapidated condition and the same requires urgent repairs. The petitioner took out an application for repairs and in aid of such application, the petitioner filed the application for local inspection which was rejected by the learned trial judge.

It is not in dispute that on an earlier occasion the petitioner also filed an application praying for repairs of the suit premises. Such application was allowed by an order dated July 20, 2016. On a query of this Court, the

learned advocate for the petitioner, in his usually fairness, submits that no repairs pursuant to the order dated July 20, 2016 has been undertaken.

Record reveals that the suit is at the stage of evidence of the defendants witnesses.

In view of the fact that the petitioner's prayer for repairs was allowed as far back as in the year 2016 and the petitioner did not undertake repairs pursuant to the said order, this Court is not inclined to interfere with the order impugned. In view thereof, CO 1030 of 2025 stands dismissed.

After this order was passed, the learned advocate appearing for the petitioner prays for a direction upon the learned trial judge to dispose of the suit expeditiously. The learned Civil Judge (Jr. Div.), 3rd Court at Alipore is requested to dispose of the Ejectment Suit No.47 of 2011 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)