

D/L- 2
16/04/2025
Ct. No.-6
Aritra

C.O. 1105 of 2025

**Paritosh Barman & Anr.
Vs.
Kamal Mondal**

Ms. Sanjana Chakraborty
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated December 2, 2024 passed by the learned Civil Judge (Jr. Div.), 1st Court at Sealdah in Title Suit No.162 of 2013.

The petitioner herein filed an application under Section 151 of the Code of Civil Procedure praying for an order allowing the petitioner to repair the suit property.

The learned advocate appearing for the petitioner submits that the suit property is in a dilapidated condition and unless the petitioner is allowed to make the repairs as specifically stated in the schedule of the application under Section 151 of the Code of Civil Procedure, the petitioner will suffer irreparable loss and injury.

Record reveals that the learned Trial Judge by an order dated April 20, 2024 allowed the application under Order 39, Rule 1 and 2 read with Section 151 of the Code of Civil Procedure on contest thereby restraining

the defendants/petitioner herein from making any construction over the suit property.

The learned Trial Judge while considering the application for repairs observed that the defendant is trying to change the nature and character of the suit property in the garb of undertaking the repairing works.

On a query of the Court, the learned advocate appearing for the petitioner, in her usual fairness, submits that no application for local inspection in connection with the repairing application was also filed in order to bring the real picture of the condition of the suit property before the learned Trial Judge.

For such reason this Court is not inclined to interfere with the order impugned rejecting the application for repairing the suit property.

In view of the observations made hereinbefore CO 1105 of 2025 stands disposed of.

After this order was passed the learned advocate for the petitioner prays for a direction upon the learned Trial Judge to dispose of the suit expeditiously. Taking note of the submission of the learned advocate for the petitioner that the suit is at the peremptory hearing stage, the learned Civil Judge (Jr. Div.), 1st Court at Sealdah is requested to dispose of Title Suit No.162 of 2013 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

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

(Hiranmay Bhattacharyya, J.)