

Sl.35
09.06.2025
Court No.6
BP

C.O. 1253 of 2025

Shambhu Das
-versus-
Parwan Shaw & Anr.

Mr. Neil Basu
Mr. Sankha Biswas
... for the petitioner

This application under Article 227 of the Constitution is at the instance of the plaintiff and is directed against an order dated 20th November, 2024 passed by the learned Civil Judge (Junior Division), 1st Court, Chandernagore, Hooghly in Title Suit No. 71 of 2018.

By the order impugned the application for repairing stood rejected.

The learned advocate appearing for the petitioner submits that the suit property is in a dilapidated condition. An inspection of the suit premises was held and the learned commissioner reported that there is a necessity to undertake repairing work. He further submits that due to obstruction raised by the defendants such repairing work could not be carried out.

After going through the materials on record this Court finds that it is the specific case of the petitioner that very recently due to cyclonic storm the suit property got damaged. It is not in dispute that the petitioner has not made any attempt to bring the real picture of the suit

property at present before the learned trial judge prior to filing the application for repairing. The learned trial judge rightly observed that a commission work conducted long back cannot come to the aid of the petitioner.

To the mind of this Court, the necessity to undertake repairs of the suit property can be ascertained only after the present condition of the suit property is brought to the notice of the Court.

This Court does not find any reason to interfere with the order impugned as the petitioner failed to bring the real picture of the suit property before the Court.

At this stage, the learned advocate appearing for the petitioner prays for a direction upon the learned trial judge to dispose of the title suit expeditiously.

In the light of the said submissions, C.O. 1253 of 2025 stands disposed of without interfering the impugned order but by requesting the learned Civil Judge (Junior Division), 1st Court, Chandernagore, Hooghly to make an endeavour to see that the Title Suit No. 71 of 2018 is disposed of as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)