

D/L- 21
20/05/2025
Ct. No.-6
Aritra

C.O. 1770 of 2025

**Sri Nitai Charan Patra @ Nitai Patra
Vs.
Sri Nimai Patra & Ors.**

Mr. Mrinal Kanti Ghosh
Mr. Santimay Bhattacharya
....for the petitioner

The defendant No.1 in a suit for partition has challenged the judgment and order dated February 27, 2025 passed by the learned Additional District Judge, Re-Designated Court, Paschim Medinipur in Miscellaneous Appeal No.122 of 2022 in this civil revision application.

Mr. Ghosh, learned advocate appearing for the petitioner submits that on an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure filed by the opposite party No.1, the learned trial judge by an order dated June 20, 2022 directed both the plaintiff and the defendant No.1 to maintain *status quo* as regards the nature and character of the suit property and also as regards the constructions existing over such property and also as regards the possession as it stands on the date of such order till the rights of the parties are determined through a preliminary decree or until the Kha schedule suit property is partitioned in any other mode sanctioned by law.

Being aggrieved by such law the defendant No.1/petitioner herein preferred a Miscellaneous Appeal No.122 of 2022 which stood dismissed by the judgment and order dated February 27, 2025.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the house in which the petitioner is staying in the suit property is in a dilapidated condition and unless an order is passed permitting the petitioner to demolish the same and to reconstruct, the petitioner will suffer irreparable loss and injury.

On a query of the Court, Mr. Ghosh, learned advocate for the petitioner, in his usual fairness, submits that no application in that regard has been filed.

In view thereof, this Court is not inclined to grant any relief to the petitioner at this stage.

It will be open to the petitioner to make an appropriate application before the learned trial judge in that regard.

With the above observations and directions CO 1770 of 2025 is disposed of without interfering with the order impugned but by granting liberty to the petitioner to take out an appropriate application before the learned trial judge and if such an application is filed the learned trial judge shall consider and dispose of the same in accordance with law after giving opportunity of hearing to the respective 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.)