

27. 25.06.2025
Court No.6
(Tanmoy)

CO/2152/2025

**ALOCHANA PAUL AND ORS.
VS
SRI AJIT DAS AND ORS.**

Ms. Aiswarya Ghosh

... for the petitioners.

1. This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order dated 7th of January, 2025, passed by the learned Civil Judge (Junior Division), Additional Court, Sealdah, South 24-Parganas, in Title Suit No. 15/2016.

2. By the order impugned the repair petition dated 22.03.2024 stood rejected. From the order impugned it appears that the learned Trial Judge has recorded that the suit property has totally collapsed and the plaintiffs are not in physical possession of the suit property.

3. Learned Advocate appearing for the petitioners submits that no materials were available before the learned Trial Judge for arriving at such finding. However, on a query of the Court, learned Advocate appearing for the petitioners submits that no attempt was made by the petitioners to bring to the notice of the learned Trial Judge the condition of the suit property.

4. Unless an attempt is made by the petitioners to bring to the notice of the Court about the exact condition of the suit property, no prayer for repair can be granted. The learned Trial Judge was right in rejecting the application.

5. For such reason, this Court is not inclined to interfere with the order impugned. However, this order shall not prevent the petitioners from taking appropriate steps in accordance with law.

6. With the above observations, the civil revisional application being CO/2152/2025 stands dismissed. There will be no order as to costs.

7. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(HIRANMAY BHATTACHARYYA, J.)