

01.07.2025
Item no. 24.
Court No.6.
AB

C. O. 2304 of 2025

**Krishna Ghosh
Vs
Sri Pradip Pal**

Mr. Siva Prasad Ghoshfor the Petitioner.

Mr. Kushal Chatterjee,
Mr. Shibjit Mitrafor the Opp. Party.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated June 11, 2025, passed by the learned Civil Judge (Jr. Division), 2nd Court at Barrackpore in Ejectment Suit No.70 of 2009.

By the order impugned, the application under Section 151 of the Code of Civil Procedure praying for permission to effect repairs of the suit property stood rejected.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the suit property is in a dilapidated condition. The repairing of the suit property is necessary for the purpose of carrying on the business at the suit property.

Mr. Chatterjee, learned advocate appearing for the opposite party submits that the evidence of the respective parties in the suit has been closed and July

9, 2025 has been fixed for argument in the ejectment suit.

Heard the learned advocates for the parties and perused the materials placed.

It is not in dispute that the petitioner herein, who prayed for permission to effect repairs of the suit property, did not make any attempt to bring the clear picture of the suit property before the learned Trial Judge. From the records it appears that there was no material before the learned Trial Judge to arrive at a conclusion as to whether the suit property requires necessary repairs or not.

The learned Trial Judge was right in holding that in the absence of any clear picture as to whether there is any need of repairing or not, the prayer for repairing cannot be allowed.

It further appears that the suit is at the final stage. Evidence of the parties has been closed and a date has been fixed for argument.

Mr. Ghosh would vehemently contend that a Commissioner was appointed who did not submit the report and for such reason, the petitioner should not be penalized.

From the latter portion of the order impugned, it appears that the Commissioner was appointed on 7th August, 2018 and he received the writ on September 15, 2018. The petitioner has not taken any steps for

non-submission of the report by the learned Commissioner for more than seven years.

For all the reasons as aforesaid, this Court is not inclined to interfere with the order impugned.

Accordingly, C. O. No.2304 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)