

06.08.2025
rc/ct.no.06
Item No.32

C.O.No. 2786 of 2025
Jamiruddin Sk.
Versus
Hanif Sk.

Mr. P.K.Chatterjee

...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 June 18, 2025 passed by the learned Civil Judge, Senior Division, Kandi, Murshidabad in Partition Suit No. 423 of 2022 .

By the order impugned the application under Section 151 of the Code of Civil Procedure praying for permission to raise construction as per the sanction plan stood rejected. Opposite party herein filed a suit for partition. The petitioner claims that he is in possession of the western part of the suit plot. The petitioner could not produce any material in support of his contention that he is in possession of the western portion of the suit plot. The possession of the petitioner in respect of the western plot is disputed by the opposite party herein. Since there is a dispute with regard to the possession of the suit property, the learned Judge was right in rejecting the prayer praying for permission to raise construction on the western part of the property.

C.O.No. 2786 of 2025 stands disposed of with the above observation.

The petitioner will be at liberty to take appropriate steps before the learned Judge in accordance with law.

There shall be, however, no order as to costs.

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

(Hiranmay Bhattacharyya,J)