

D/L- 22
19/08/2025
Ct. No.-6
Aritra

C.O. 2942 of 2025

**Sri Gopal Chandra Dey
Vs.
Paschim Banga Khadi Kendra**

Mr. Rajdeep Bhattacharya
Mr. Sauradeep Dutta

....for the petitioner

Mr. Chittapriya Ghosh

....for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the decree-holder and is directed against an order dated July 9, 2025 passed by the learned Civil Judge (Jr. Div.), 2nd Court at Alipore in Miscellaneous Case No.25 of 2012.

By the order impugned the opposite party herein was allowed to repair the shop room *ex parte*.

The learned advocate appearing for the petitioner submits that the application for repairing was allowed *ex parte* without giving an opportunity to the petitioner to contest such application.

Mr. Ghosh, learned advocate appearing for the opposite party submits that in spite of several opportunities being granted to the petitioner to contest the said application, the petitioner chose not to contest the same.

After going through the order impugned, this Court finds that the local inspection was held and the learned

trial judge after considering the report of the local inspection Commissioner which indicated that the suit shop room is in a very poor and dilapidated condition and some of the portion of the false ceiling are hanging allowed the prayer for repairing.

For such reason, this Court is not inclined to interfere with the order allowing the repairing of the shop room. However, taking note of the fact that the miscellaneous case was filed under the provisions of Order 21 Rule 101 of the Code of Civil Procedure and September 6, 2025 has been fixed for hearing of the miscellaneous case, CO 2942 of 2025 stands disposed of without interfering with the order impugned but by requesting the learned Civil Judge (Jr. Div.), 2nd Court at Alipore to dispose of the Miscellaneous Case No.25 of 2012 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

The opposite party is however restrained from changing the nature and character of the decretal property which is a shop room while effecting the repairs.

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.)