

CO 3654 of 2025

**Golam Nobil Mallick
Vs.
Sk. Ali Hossain & Ors.**

Mr. Abhilash Chatterjee

.. ... for the petitioner

1.This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No.30 dated September 15, 2025 passed by the learned Civil Judge (Junior Division), Amta, Howrah in Title Suit No.98 of 2017.

2.By the order impugned an application under Section 151 of the Code of Civil Procedure praying for repairing of the suit premises was allowed.

3.Mr. Chatterjee, learned advocate appearing for the petitioner submits that the learned trial Judge without considering that an order of status quo in respect of the suit property is in subsistence allowed the prayer for repairing. He submits that allowing the prayer for repairing would amount to modification of the order of status quo.

4.After going through the materials on record, this Court finds that the Commissioner was appointed in aid of the application for repairing. The Commissioner submitted the report wherefrom it reveals that the

tile shed structure was being used by the defendants with kitchen as well as shelter for the cows which is in a bad and dilapidated condition.

5.Learned trial Judge after taking note of the Commissioner's report observed that the defendants are not trying to change the nature and character of the suit property and only prayed for repairing of the kitchen and the shelter for the cows which is in a dilapidated condition.

6.Learned trial Judge was right in holding that allowing the application for repairing will not amount to modification of the temporary injunction order.

7.This Court does not find any reason to interfere with the order passed by the learned trial Judge allowing the prayer for repairing.

8.Accordingly, CO 3654 of 2025 is dismissed.

9.There shall be no order as to costs.

10.Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the requisite formalities.

(Hiranmay Bhattacharyya, J.)