

30.06.2026
Court No.2
Item No.13
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

CO 3090 of 2022

**Sk Ataur Rahaman since deceased rep. by
Manowoara Bibi & Ors.**

Vs.

Mst. Sitara Begum @ Nazma Begum & Anr.

Mr. Jayanta Das
Ms. Soumita Ghosh

...for the petitioner

Mr. Sukanta Das

...for the opposite parties

1. Present petition has been filed challenging the order dated 20th August, 2022 whereby the learned Trial Court has dismissed the application for repairing being filed by the petitioner / defendant. At the outset the Court is shocked to note that this suit for eviction is pending since 1988 and even the issues have not been framed. It is also pertinent to mention that the petitioner / defendant / tenant is denying the ownership of the opposite party / plaintiff. The plea taken is that the property is a Wakf property.

2. Learned counsel for the petitioner has submitted that the learned Trial court has mechanically rejected the application and carrying out the repairing as has been admitted to the statutory right should have been allowed.

3. Per contra, learned counsel for the opposite parties submits that the learned Trial Court has exercised the jurisdiction correctly and there is no ground to interfere with the same.

4. The revisional jurisdiction is limited jurisdiction and has to be exercised with circumspection. The revisional Court can interfere only if there is a manifest, illegality or perversity in the order of the learned Trial Court. The learned Trial Court has taken into account the earlier order and the report of the local commissioner. In the revisional jurisdiction the order challenged cannot be set aside merely because another view could have been taken.

5. The Court on perusal of the impugned order does not find any manifest, illegality or perversity in the order of the learned Trial Court and does not find any ground to interfere with the same.

6. Hence, the revision petition being CO 3090 of 2022 stands dismissed.

7. However, before parting with, the Court is taking note of the fact that the suit is of 1988 and is still at the stage of framing of issue. Learned Trial Court is directed to dispose of the suit maximum within a period of one year after giving opportunity to the parties of being heard in accordance with law.

8. Learned Registrar General shall ensure that the learned Trial Court send the compliance report to this Court. The compliance report shall be placed before the Court. In case, compliance is not received, the matter be placed before the Court in the first week of January, 2027.

9. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)