

09.06.2026
(D/L-09)
Ct.-06
(NMD)

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

C.O. 3778 of 2025

Sri Dilip Paswan
-Vs-
Smt. Sova Roy

Mr. Sourav Guha Thakurata,
Mr. Surajit Dutta,
Mr. Avrotanu Sarkar
... for the Petitioner

Mr. Rajen Dutta,
Ms.Sutapa Upadhyay
...for the Opposite Party

1. Affidavit-of-service filed by the petitioner is taken on record.
2. This revisional application is directed against an order dated April 29, 2025 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta whereby the petitioner's application under Section 151 of the Code of Civil Procedure, 1908 has been disposed of without considering the petitioner's prayer for replacement of the roof tiles.
3. Ejectment Suit No. 447 of 2016 has been instituted by the opposite party against the petitioner before the learned Judge, 3rd Bench, Presidency Small Causes Court,

Calcutta. In the said suit, the petitioner took out an application under Section 151 of the Code praying, inter alia, for permission to repair the suit premises which included “(i) replacement of the roof tiles with new ones, (ii) plastering of the walls of the rooms and (iii) repairing of doors and windows”. The learned Trial Court has granted permission to the petitioner in respect of the last two prayers however, the prayer as regards replacement of roof tiles has not been adverted to by the learned Trial Court at all.

4. Mr. Guha Thakurata, learned Advocate appearing for the petitioner submits that in view of the sweltering heat and the rainy season that is approaching, such repair work is absolutely necessary.
5. Learned Advocate appearing for the opposite party submits that the opposite party has in principle no objection to the repair work but in the guise of such repair work, the nature and character of the property should not be allowed to be changed.
6. Having heard the learned Advocate appearing for the respective parties and

having considered the material on record this Court is of the view that the prayer of the petitioner to replace the roof tiles deserves to be allowed. However, since the opposite party has expressed an apprehension that in the guise of such replacement of tiles, the nature and character of the suit property may be changed therefore, the learned Trial Court is requested to take up the petitioner's application for repair work once again only for the purpose of appointing a Special Officer who would ensure that the nature and character of the premises is not changed in effecting the repairs i.e. replacing the roof tiles.

7. This Court informed by the parties that July 20, 2026 is the next date fixed before the learned Trial Court. In such view of the matter, the petitioner shall make an appropriate application before the learned Trial Court on the said date and bring on record of the Court this order so as to enable the learned Trial Court to appoint an appropriate person for the purpose of overseeing the works of roof tiles replacement. The costs of such Special Officer shall be borne by the petitioner.

8. The learned Trial Court is requested to appoint a special officer on the petitioner's application as aforesaid on the same date since there is no contest in principle to the carrying out of the repairs as aforesaid.
9. With the aforesaid observations, C.O. 3778 of 2025 stands disposed of. There shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)