

Order No. 29 dt. 06.3.25

Today is fixed for filing show cause reply by the appellant and hearing of the petition filed by the respondent No. 1.

Appellant has filed show cause reply mentioning the grounds for not taking steps with respect to the death of the respondent No. 2 which is found tenable and is thus accepted. The record is now taken up for hearing of the petition dated 31.01.24 filed by the respondent No. 1 u/s 151 of the CPC.

Ld Advocate for the petitioner/respondent No.1 Zarina Khatoon submitted that the tiled roof of the tenanted room and kitchen in which room the petitioner is presently staying is in a precarious condition and may collapse any moment leading to life risk of the house members living therein. He prayed for allowing the said petition for repairing of the tenanted roof of the room as mentioned in the schedule appended to the said petition.

Ld Advocate for the appellant raised objection and stated therein that the tenant-respondent intends to do roof casting for which she intends to use the cement and sand mentioned in the schedule of the petition which cannot be permitted in the garb of repairing. He prayed for direction of filing photograph of the said portion of the house which would be repaired by the petitioner.

Heard. Perused the petition and record. Considered.

It is apparent from the schedule of the petition that the petitioner intends to cast the roof of the said room and kitchen of the tenanted house with concrete mixture of cement and sand which cannot be allowed as the same would tantamount to changing the nature and character of the suit property as it is admitted by both the sides that the roof is tiled and is not cast. However, considering the exigency of the situation the petitioner is hereby allowed to do the repairing of the tiled roof of the room and kitchen but without making any alteration in the nature of the roof of the structure. Appellant would be at liberty to inspect the repairing work and take steps, if any, before the relevant authority if he finds anything objectionable in the said repairing work. The instant petition is thus disposed of.

Appellant has filed and moved an interim injunction extension petition supported by affidavit through his ld Advocate on this day which is considered and allowed.

The interim injunction issued by this court vide Order dated 03.02.2021 now stands extended till the next date.

Call for TCR from the trial court at once.

To 26.06.2025 for hearing of the appeal subject to receipt of TCR.

Dictated & Corrected by

Sd/-

Addl. District Judge, 2nd Court
Serampore

Sd/-

Addl. District Judge, 2nd Court
Serampore.

