

Title Suit No. 66 of 2023

WBNP18-000086-2023

Order dt. 12/09/2025

Today is fixed for hearing application u/s 151 of C.P. Code praying for repair of the suit property filed by the plaintiff.

Both parties filed their respective haziras.

Let the application be taken up for hearing.

Heard both sides.

Perused the instant application and other materials on record.

On perusal of all these it appears that this is a suit for declaration and injunction. During hearing the Ld. Advocate for the defendant submitted that the subject matter of the instant application lays down in Chapter IX of WBPT Act which is exclusively under Rent Controller's jurisdiction. Therefore, the instant application is liable to be rejected. In support of his submission the Ld. Advocate cited two judgments passed by our Hon'ble High Court, Calcutta in CAN No. 9259 of 2006 and C.O. No. 2194 of 2021.

In view of the provision provided in Chapter IX of WBPT Act and the judgments as cited, this Court is not inclined to invoke the extraordinary jurisdiction of the Civil Court as enumerated in Section 151 of C.P.Code for disposal of application praying for repairing.

Accordingly the application filed by the plaintiff is liable to be rejected.

Hence it is,

O R D E R E D

that the application under 151 of C.P.Code is hereby considered and rejected on contest and the instant application is also disposed off.

To 12/12/2025 for P.H

D/C by me.

Civil Judge (Jr. Divin)
Bidhannagar

J.O. Code WB 01155