

E.J. No. 05 OF 2016 CIS 38 OF 2016
CNR WBNP18-000286-2016

12-04-2023

Today is fixed for hearing of petition U/s.151 of CPC filed by the defendant no.1.

Both sides file hazira.

Heard the Ld. Advocate for both sides.

During the course of hearing Ld. Advocate for the defendant no.1 submitted that necessary repair work is required for the suit property, if the repair work of the suit property would not be done the defendant no. 1 will be highly affected.

On the other hand, Ld. Adv for the plaintiff submitted that the repairment work should be allowed without changing the nature and character of the suit property.

Considered.

On perusal of the petition and other materials on record it appears to this court that the necessary repairment work is required for the interest of justice in respect of the schedule of the petition in the suit property without changing the nature and character of the suit property. Moreover, the repair as sought for by the defendant no.1 is necessary one and therefore this Court found no reason to refuse the same.

Hence, it is

O R D E R E D

that the petition filed U/s. 151 of CPC by the defendant no.1 is allowed on contest and dispose of accordingly.

The defendant no.1 is at liberty to conduct the repair work as per the point mentioned in the schedule of the petition at his own cost in presence of **Ld. Adv Commissioner namely,**

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Eliza Seth but without any alternation. Defendant no. 1 is also directed not to change the nature and character of the suit property except repair work.

Defendant no.1 is hereby directed to pay remuneration of Rs.2000/- to the **Ld. Adv Commissioner namely, Eliza Seth.**

To 15-06-2023 for P.H.

D/c by me

Civil Judge (Jr. Divn.)
(JO CODE WB01423)

Bidhannagar

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