

ORDER NO.94 dt.30/11/22

The defendant's petition u/s 151 CPC praying for repair of the suit premises at his own costs is taken up for passing order after hearing of both sides. The plaintiff filed written objection.

The defendant stated that the plaster of the suit premises is in dilapidated condition and the door of the suit premises has been broken and the street dogs are getting inside the suit premises very easily at any point of time and the floor is also required to be repaired. The plaintiff raised objection that on the ground that the defendant has made addition and alteration of the suit premises. So the defendant is not entitled to get the order of repair. Admittedly the defendant is in possession of the suit premises and it is the right of the defendant to get it well protected without changing the nature and character of the suit premises. Moreover the defendant prayed to repair at his own costs and the schedule of the repair is found very much essential for keeping the suit premises in habitable condition. Accordingly the prayer of the defendant is hereby allowed. The defendant is hereby permitted to make the repair as per schedule of the petition without changing the nature and character of the suit premises at his own costs.

To 24/01/23 for P.H.

D/C by me

Judge, 4th Bench

Judge

