

EJECTMENT SUIT NO. 219 of 2019
C.N.R No. WBPS01-000595-2019

IN THE COURT OF 4TH BENCH, PRESIDENCY SMALL CAUSE
COURT, CALCUTTA
PRESENT: SMT. ARCHITA SEN, JUDGE, BENCH-4, PRESIDENCY
SMALL CAUSE COURT, CALCUTTA.

ORDER NO- 47
DATED 24.09.2025:

Today is fixed for hearing of the petition dated 10.09.2025 under section 151 of the C.P.C filed by the defendant. Both the parties file separate attendance through their respective Ld. Advocates.

The record is taken up for hearing of the petition dated 10.09.2025.

Heard both sides. Perused the record.

Considered.

The instant petition contemplates an Order permitting the defendant to repair the suit premises in the manner stated in the petition at his expenses. It is submitted on behalf of the defendant that the suit rooms are heavily damaged by the natural wear and tear and several cracks have been found on the walls of the suit rooms as well as of the bath and privy. The floors of the suit rooms are also damaged and the rain water is percolating from the roof. The defendant is facing many difficulties in using the suit rooms, specially in the rainy season. So the defendant requires to repair the suit premises at his own expenses.

The plaintiffs have not filed any written objection against the instant petition but during the hearing the Ld. Advocate for the plaintiffs submitted that the plaintiffs have no objection if the necessary repair works are carried out at the suit premises by the defendant at his own expenses.

Local inspection was held at the suit building at the instance of plaintiffs. The report reveals that one of the rooms of the defendant is in dilapidated condition and it is not habitable at all. So when it is evident from the report of the Commissioner that the condition of one of the suit rooms is not good, then this Court does not find any reason to turn down the prayer of the defendant. Apart from that the Ld. Advocate for the plaintiffs also expressed that the plaintiffs do not have any objection against the prayer of the defendant. So this Court thinks that the defendant shall be permitted to repair the tenanted portion at his own costs without changing the nature and character of the same because no prejudice will be caused to the plaintiffs if the necessary repair works are done at the suit premises, rather it will be beneficial for them if in the long run the suit succeeds.

Accordingly it is

ORDERED

That the petition dated 10.09.2025 under section 151 of CPC filed by defendant is allowed on contest without any costs.

The defendant is directed to do the repair works as mentioned in the instant petition without changing the nature and character of the suit premises, at his own expenses.

The plaintiffs are at liberty to inform the Court about any such change in the nature and character of the suit premises, if done during the repair work.

The defendant is directed to report the completion of repair work.

Fix 19-12-2025 for peremptory hearing

Typed, Corrected and Printed by me.

Judge, Bench-4
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