

**EJECTMENT SUIT NO. :- 221 OF 2010**  
**(CNR No. WBPS01-001164-2010)**  
**(JO CODE No. WB01229)**

Order No. - 69  
Dt. 12.09.2022

Today is fixed for passing order in respect of the petition under Section 151 of the CPC dated 21.03.2022 filed by the defendant.

Both side file hazira.

The case record is taken up for passing necessary order.

Heard Ld. Advocate for the defendant who submitted that the defendant has been carrying and business at the suit premises and there are two shutter gates which are covered by rain shed but the plaintiff intentionally damage the said rain shed as a result the iron shutter gate by badly damaged by rain water and hence the said shutter gate and rain shed are originally required for repair and as such prayed before this court in permit the defendant to repair the same at his own cost and the defendant undertake that not to change the nature and character of the shutter gate.

Heard Ld. Advocate for the plaintiff who has given objection against the allegations made by the defendant and further submitted that there is no requirement for repair of the rain shed and shutter gate and hence, prayed for rejection of the said application.

Considered. Perused the instant application and other materials on record.

On perusal of the same, it appears that the schedule of the property is one shop room is lying on the ground floor at premises no. 13/13A, Patwar Bagan Lane, P. S. - Amherst Street, Kolkata – 700 009. As per averments made by the defendant that the rain shed and the shutter gates are badly damaged due to the rain water and the defendant intend to repair the same at his own cost.

Considering the over all material on record, the prayer of the defendant is hereby allowed.

Defendant is directed to make necessary repairment of the rain shed and iron shutter gates of the suit premises at his own cost without changing the nature and character of the same.

To 30.11. 2022 for P. H.

D/C by me.

Sd/-  
Judge, Bench - II,  
P.S.C. Court, Calcutta.

Sd/-  
Judge, Bench - II,  
P.S.C. Court, Calcutta.