

E.J Appeal-4/24

13.5.2025

Today is fixed for hearing of the appeal.

Lawyer's hazira filed on behalf of both the parties.

Ld. Advocate for appellant as well as respondents are present.

Ld. Advocate for appellant/tenant submits that the condition of the suit property is in extreme dilapidated condition since no repairing works were done for long period. It is further submitted that the roof of the building as well as the tin shed and the ceiling, walls and floor of the bathroom has been completely damaged. Landlord/appellant has not taken any step to repair the suit property on several requests and in this facts & circumstances respondent/tenants by filing two petitions supported by affidavit prays for an order of appointment of an Advocate/ Commissioner for holding local inspection over the suit property and also prays for an order for causing necessary repairing works over the suit property as per the schedule mentioned in the petition praying for an order of repairing of the suit premises.

Ld. Advocate for respondent/tenant in course of hearing frankly submits that he got no objection if the tenants are permitted to do the necessary repair works over the suit property as per schedule of the instant petition (Petition for repairing) at his own cost.

On scrutiny of the materials on record this court finds that landlord as plaintiff filed a suit for eviction bearing Ejectment Suit No- 113/18 before the court of Ld. Civil Judge (Jr. Divn) 4th Court, Alipore against the defendant/tenant and ld. Trial Court by passing the impugned judgment passed a decree of eviction in favour of the plaintiff/landlord and being aggrieved and dissatisfied with the said order of eviction the instant Ejectment Appeal has been preferred by defendant/tenants. Now during pendency of the appeal, appellant/tenant by filing a petition pray for an order of necessary repairing works of the suit property as those repairing works are urgently needed. During hearing ld. Counsel for landlord gave consent in the repairing works over the suit property as per schedule of the instant petition.

Thus in view of submission of both sides and also having regard to the entire materials on record appellants/ tenants are hereby permitted to do necessary repairing works over the suit property as per schedule of the instant repairing petition dtd 13.5.25 at his own cost without changing the nature, character of the suit property and extent of tenancy.

Appellants/tenants are directed to conclude the repairing works of the suit premises positively within two months from the date of passing of this order I/d the order of repairing of the suit premises passed this day stands vacated.

Now with regard to the petition U.O.39. R.7 CPC praying for holding local inspection over the suit property being redundant stands rejected.

The petition dtd 13.5.25 filed by appellant praying for causing necessary repairing works stands allowed on consent.

Fix 25.7.2025 for hearing of appeal.

D/corr by me,

4th ADJ, Alipore.
(J.O.Code-WB00705).