

TS - 120 OF 2025
Regd No. 120 /25

JO Code: 01068
Order No.06
Date: 07.01.26

Ld advocate for plaintiff files hazira.
The defendant is absent without step.
No WS is filed by defendant. Hence, the suit be heard ex parte against defendant.
Ld advocate commissioner Satasneha Pramanik files his report. Let the same be kept with the record.

The petition u/s. 151 of CPC dated 06.11.2025 filed by plaintiff is taken up for hearing.

Heard ld advocate for the plaintiff.

Perused the petition and other materials on record including the report of local inspection.

The plaintiff has mentioned in the petition that plaintiff and defendant have a house over the suit property which is a two storied building. The defendant does not allow the plaintiff to use the common stair for access to the 1st floor of the said house and another wooden stair which was used by the plaintiff is destroyed. So the plaintiff has filed the petition for permission of the court to construct a temporary iron made stair for accessing the 1st floor of the house.

Ld advocate for the plaintiff has submitted that submitted that as the defendant is obstructing the common stair the plaintiff is required to construct a temporary stair for accessing the 1st floor. It is also submitted by the ld advocate that plaintiff would not claim any equity and he would demolish the same if so required at the final order. Ld advocate place his reliance upon a judgment reported in 2024(3) Indian Civil Cases 630 Cal.

On perusal of the report of ld advocate commissioner it appears that there is no stair for accessing the 1st floor at the possessed portion of the plaintiff and the common stair falls within the western portion of the said house which is separated from the eastern portion by tin and Butum.

ON hearing and perusal it appears to me that the plaintiff cannot access to his room situated at the 1st floor of his house as he is prevented from using the common stair.

In such circumstance I am inclined to allow the petition of the plaintiff.

Plaintiff is permitted to construct a temporary iron made stair as mentioned in the petition for accessing the 1st floor of the house at the place of the old wooden stair which was used by him for accessing the 1st floor.

Hence, the petition u/s. 151 of CPC dated 06.11.2025 filed by plaintiff is hereby allowed ex parte without any cost.

To 20.02.2026 for ex parte hearing.

D/C

Sd/-

ACJM-cum-CJSD, Kakdwip

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Later:

Ld advocate on behalf of the plaintiffs files a petition praying for extension of the order of ad interim injunction.

The petition is considered and allowed and the order of ad interim injunction is extended till disposal of the suit.

Sd/-

ACJM-cum-CJSD, Kakdwip

