

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CO/40/2025

Shri Susheel Dixit

Vs.

M/S Barefoot Resorts and Leisures Ltd. & Anr.

Mr. Gopala Binnu Kumar ... for the petitioner

Mrs. Anjili Nag, Sr. Adv.

Mr. Adarsh Ilango ... for the opposite parties

July 09, 2025

[AKB]

Item No.7

The petitioner has filed the present revision application challenging the order passed by learned Civil Judge, Senior Division at Port Blair in Other Suit No. 138 of 2015 vide order No. 105 wherein the learned judge has rejected the application filed by the petitioner under Section 151 of the Code of Civil Procedure.

The learned counsel for the petitioner submits that there is an order of injunction passed by the learned Civil Judge, Senior Division wherein the defendant is directed not to make any repair or alternation or renovation in the existing superstructure till the disposal of the suit. The plaintiff came to know that the defendant is carrying out the repair work inspite of the injunction order passed by learned Civil Judge, Senior Division. Accordingly plaintiff has filed an application with the prayer for directing the concerned

Station House Officer to see the order of injunction passed by learned Trial Court is implemented.

Learned counsel for the respondents submits that Clause H of the lease deed stated that the right to repair, alter or renovate the existing superstructure on the site after written approval of the Lessor at the Lessee's own cost and to put up new buildings at the site without any reference to the Lessor.

She further draws the attention of this Court to the order of temporary injunction passed by the learned Trial Judge wherein the defendant is directed not to make any repair, alteration or renovation in the existing superstructure till the disposal of the suit.

Learned counsel for the respondent submits that in the application filed by the petitioner under Section 151 there is no statement which superstructure the defendant is carrying out the construction.

This Court in revisional jurisdiction cannot decide the dispute raised by the defendant.

This Court finds that the learned Civil Judge Senior Division has rejected the application filed by the plaintiff under Section 151 of the CPC on the ground that the plaintiff has not shown any evidence or explain how the defendant is making construction over the superstructure.

This Court did not find any illegality in the order passed by the learned Civil Judge, Senior Division dated 24.06.2025. However the plaintiff is at liberty to make a

proper application if any occasion arise before the learned Trial Court and if any application is filed by the plaintiff, the same shall be disposed of within thirty days from the date of filing of the application in accordance with law.

(Krishna Rao, J.)