

56,DL,Ct.18  
26.03.2021  
AJ.

**C.O. 327 of 2017**

**M/s. Uni Systems Pvt. Ltd.**

**-Vs-**

**Arun Kumar Dalmia**

Mr. Shyamal Chakraborty,  
Mr. Rajdeep Bhattacharyya.  
... for the petitioner.

Affidavit of service filed in Court today be kept with the record. None appears on behalf of the opposite party in spite of service.

The defendant in a suit for eviction is the petitioner of the instant application under Article 227 of the Constitution of India.

The learned Trial Judge by the order impugned has allowed an application filed by the plaintiff/opposite party under Order XXXIX Rule 7 of the Code of Civil Procedure for holding local inspection of the suit property on the ground that the plaintiff is seeking eviction of the defendant on the ground of reasonable requirement.

On perusal of the plaint of the suit it appears that the suit is not based on the said ground.

Therefore, local inspection as prayed for is absolutely irrelevant.

The order impugned is set aside.

The application under Order XXXIX Rule 7 of the Code filed by the plaintiff is rejected.

C.O. 327 of 2017 is disposed of. No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Biswajit Basu, J.)**