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16.03.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 603 of 2021

**Baby Behera @ Suchitra @ Suchitra Hoda & anr.
-versus-
Sri Nilanjan Santra & ors.**

Mr. Soumak Bera,
... for the petitioners.

This revisional application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for eviction and is directed against the order no. 179 dated February 19, 2021 passed by the learned Civil Judge (Junior Division), Kharagpur, Paschim Medinipur in the said suit being Other Suit No. 98 of 2020.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners praying for local inspection of the suit property. The suit property has already been inspected earlier on the prayer of the petitioners.

The learned advocate for the petitioners submits that the plaintiffs/opposite parties are causing disturbance in the enjoyment of the tenancy of the petitioners in spite of an order of injunction being in force. He submits that to demonstrate such violation of the said order of injunction the petitioners are seeking inspection of the suit property.

On perusal of the application under Order XXXIX Rule 7 of the Code of Civil Procedure it does not appear that the petitioners are seeking such inspection of the suit property to

demonstrate the violation of the subsisting order of injunction, moreover, no proceeding alleging such violation has been initiated.

That being the position, this Court does not find any illegality and/or infirmity in the order impugned warranting interference.

CO 603 of 2021 is therefore dismissed. No order as to costs.

Learned advocate for the petitioners submits that some of the applications filed by the petitioners are pending. The learned Trial Judge is requested to dispose of all those applications in course of the trial of the suit.

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

(Biswajit Basu, J.)