

(18)
09.09.2021
(p.jana)

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

(Via Video Conference)

**CO No. 1227 of 2020
(IA No : CAN 1/2020)**

**Smt. Mahua Pradhan (Maikap) & anr.
-versus-
Smt. Manasi Maity & ors.**

Mr. Asish Chandra Bagchi,
Mr. Prabir Kumar Misra,
Mr. Shibendra Nath Chattopadhyay,
Mr. Priyam Misra,
... for the petitioners.

Mr. Rabindra Nath Datta,
Mr. Manoranjan Jana,
... for the opposite party no. 1.

The petitioners are the plaintiffs of the Title Suit No. 130 of 2017. The said suit is pending before the 1st Court of learned Civil Judge (Junior Division), Contai, District: Purba Medinipur.

The learned Trial Judge by the order impugned being the order no. 31 dated March 7, 2020 has dismissed an application filed by the petitioners for holding local investigation of the property covered under the deed under challenge.

The petitioners in the connected suit, inter alia, have prayed for a decree of declaration that the deed through which the defendant no. 2 is claiming title over the suit property is not binding upon them.

In view of such nature of the suit and the relief prayed for therein the appointment of a commissioner for holding investigation over the property covered under the impugned deed is not necessary.

The learned Trial Judge, therefore, has not committed any error in dismissing the said application.

The order impugned does not call for any interference.

CO 1227 of 2020 is dismissed without any order as to costs. CAN 1 of 2020 has become infructuous and is also disposed of accordingly.

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

(Biswajit Basu, J.)