

16.03.2022
(S/L-07)
Ct.-18
(Susanta)

C.O. 81 of 2022

Smt. Rekha Behera
-Vs-
Manik Sarkar & Anr.

Mr. Jayanta Das,
Ms. Soumita Ghosh,
.... For the Petitioner.

Mr. Sanjib Seth, For the O.P. 1.

Affidavit-of-service files in Court today be
kept with the record.

The revisional application under Article 227
of the Constitution of India is at the instance of
the defendant no. 1 in a suit for declaration of
title and permanent injunction and is directed
against the order dated December 23, 2021
passed by the 6th Court of learned Civil Judge
(Junior Division) at Howrah in the said suit being
Title Suit No. 117 of 2017.

The learned Trial Judge by the order
impugned has allowed an application filed by the
plaintiff for local investigation of the suit
property.

The petitioner is the neighbour of the
plaintiff and owner of the property adjoining to
the suit property. In the suit, the plaintiffs have
raised a boundary dispute between the suit
property and the property belonging to the

petitioner. The learned Trial Judge thought it expedient that report of an investigation Commissioner would throw light on the dispute raised in the plaint and would be helpful for the Court to come to a just conclusion on the said dispute.

This Court does not find any illegality and/or infirmity in the course adopted by the learned Trial Judge warranting interference with the order impugned.

C.O. 81 of 2022 is dismissed with the without any 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.)