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sandip
Ct. 18
04.03.2022

**C.O. No. 195 of 2022
(Via Video Conference)**

**Amar Ahir Singh
Vs.
Sk. Chand Ali & Ors.**

Mr. Sukanta Chakraborty,
Mr. Anindya Halder,
Mr. Zuber Ahmed ... For the petitioner.

Mr. Debdipto Banerjee ... For the O.P. No. 1.

Affidavit-of-service filed 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 that the plaintiff is lawfully
entitled to carry on the partnership business over the
suit schedule property and is directed against order
dated December 09, 2021 passed by the learned Civil
Judge(Senior Division) at Sealdah in the said suit being
Title Suit No. 193 of 2016.

The learned Trial Judge by the order impugned
has allowed an application filed by the plaintiff/opposite
party no. 1 under Order XXXIX Rule 7 of the Code of
Civil Procedure for holding local inspection of the suit
property on the following points :-

*“1. To identify the premises no. 61/3, B.T.
Road, Kolkata – 700002 and ascertain the
total number of rooms in occupation of the
plaintiff and also to ascertain whether the
plaintiff is carrying on business of motor cycle
repairing.*

*2. To ascertain the surrounding boundary of
the rooms in occupation of the plaintiff in
respect of the suit property.*

3. To note and ascertain the present condition of the rooms in occupation of the plaintiff, i.e. the suit property.

4. To note and ascertain the distance between the suit property and the other shop room belonging to the plaintiff.

5. Any other local features as may be pointed out by the parties.”

The above quoted points on which the plaintiff is seeking local inspection of the suit property are totally irrelevant to the issues to be decided in the suit. That apart, the impugned order is not supported by any reason.

For the aforesaid reason, the order impugned is not sustainable and is accordingly set aside.

It is however made clear that this order will not prevent the plaintiff to file appropriate application for holding local inspection of the suit property on the relevant points.

C.O. 195 of 2022 is disposed of with the above terms 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.)