

16.03.2022
(S/L-04)
Ct.-18
(Susanta)

C.O. 589 of 2020

Sri Tapan Kumar Saha Alias Tapan Saha
-Vs-
Bidhan Chandra Ghosh & Ors.

Mr. Partha Pratim Roy,
Mr. Anirban Das,
.... For the Petitioner.

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 recovery of possession and is directed against the order dated November 19, 2019 passed by the learned Civil Judge (Senior Division), Bolpur, District-Birbhum in the said suit being Title Suit No. 47 of 2016.

The learned Trial Judge by the order impugned has allowed an application under Order XXVI Rule 9 of the Code of Civil Procedure filed by the plaintiffs praying investigation of the suit property by a Survey Passed Commissioner.

The defendants in their written statement at paragraph no. 7 stated that the description of the suit property is vague, as such, it is required to be investigated by a Survey Passed Commissioner.

The learned Trial Judge, in view of such stand of the defendants, is absolutely justified in allowing the application of the plaintiffs for investigation of the suit property by a Survey Passed Commissioner.

This Court, therefore, does not find any reason to interfere with the order impugned.

C.O. 589 of 2020 is dismissed 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.)