

(04)
15.02.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)
CO No. 645 of 2019

Sadhan Pramanik & anr.
-versus-
Partha Sarathi Kar Purakayastha & anr.

Mr. Nabankur Paul,
... for the petitioners.

Affidavit of service filed on behalf of the petitioners in Court today be kept with the record.

None appears on behalf of the opposite parties in spite of service.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for declaration of title and is directed against the order no. 46 dated May 29, 2018 passed by the 1st Court of learned Civil Judge (Junior Division), Jalpaiguri in Title Suit No. 68 of 2013.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners under Order XXXIX Rule 7 of the Code of Civil Procedure for holding local inspection of the suit properties on the ground that the suit since has reached the stage of evidences, such inspection is not necessary.

On perusal of the application for local inspection it appears that such inspection has been prayed for to ascertain the nature and character of the suit land and on some other points incidental thereto.

In the plaint, the suit properties have been sufficiently described, therefore, the points on which inspection of the suit property has been prayed for are irrelevant and unnecessary.

This Court although is not approving the reasons recorded in dismissing the said application but conclusion being correct is not inclined to interfere with the order impugned.

CO 645 of 2019 is thus dismissed without any order as to costs.

The learned Trial Judge is requested to expedite the disposal 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.)