

14.07.2022  
(D/L-15)  
Ct.-18  
(Susanta)

C.O. 761 of 2022

Md. Zahid  
-Vs-  
Asia Khatoon & Ors.

Mr. Kushal Chatterjee,  
Mr. Abirlal Chakraborty,  
Mr. Debrup Choudhury,  
... For the Petitioner.

Mr. Tarique Quasimuddin,  
Mrs. Jainab Jahur,  
.... For the Opposite Parties.

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

The defendant in a suit for partition is the  
petitioner of the instant application under Article  
227 of the Constitution of India and is directed  
against the order dated March 14, 2022 passed  
by the learned Civil Judge (Senior Division) at  
Sealdah District. 24-Parganas (North) in Title  
Suit No. 86 of 2020.

The learned Trial Judge by the order  
impugned has allowed an application filed by the  
plaintiff/opposite party under Order XXXIX Rule  
7 of the Code of Civil Procedure for holding local  
inspection of the suit property.

The points on which the inspection has been  
sought for are neither relevant nor necessary for  
the purpose of effective disposal of the suit, as

such the said inspection of the suit property is not necessary.

Mr. Quasimuddin, learned advocate for the plaintiffs/opposite parties submits that the plaintiffs are not aware of the particulars of the tenants of the suit property but the said details are necessary for the proper adjudication of the application filed by the plaintiff for appointment of receiver over the suit property and for the said purpose, the inspection of the suit property has been sought for.

The plaintiffs being co-sharers of the suit property are always entitled to gather the said information and the defendant cannot obstruct the plaintiffs to have access in the suit property for the said purpose.

The order impugned is set aside; C.O. 761 of 2022 is thus disposed of with the above observations 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.)