

01.03.2022
(S/L-23)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 958 of 2018

Sabita Chowdhuri & Anr.

-Vs-

Asim Kumar Roy & Ors.

Mr. Partha Pratim Roy,
Ms. Poulami Chakraborty,
.... For the Petitioners.

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 injunction and is directed against the order no. 111 dated December 14, 2017 passed by the 2nd Court of learned Civil Judge (Junior Division), Baruipur, District 24-Parganas (South) in the said suit being Title Suit No. 151 of 2011.

The learned Trial Judge by the order impugned has dismissed an application filed by the plaintiffs for holding local inspection of the suit property. The petitioners prayed for such inspection in aid of their application for mandatory injunction.

The learned Trial Judge found that the suit property has already been inspected at the instance of the defendants in connection with a proceeding under Order XXXIX Rule 2-A of the Code of Civil Procedure and in view of the

existence of a Commissioner's report on record, the learned Trial Judge did not feel it necessary to hold further inspection of the suit property.

This Court does not find any illegality and/or infirmity in such approach of the learned Trial Judge.

The order impugned, for the aforesaid reason, does not call for any interference.

C.O. 958 of 2018 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.)