

S/L 29
14.11.2022
Court. No. 12
*Sourav/
Suwayan*

CO 907 of 2022

**Sankar Chakraborty & Anr.
Vs.
Dipak Chakraborty**

*Mr. Rwitendra Banerjee
Mr. Sandip Kundu*

...for the Petitioners.

*Mr. Sayan Sinha
Mr. Adil Naser*

...for the opposite party.

Heard the learned advocate for the
petitioners/defendants at length.

Perused the certified copy of the impugned order as
well as the annexures to the petition under Article 227 of the
Constitution of India.

On perusal of the certified copy of the impugned
order, it reveals that the learned trial Court by the self-same
order refused to grant the prayer for local inspection as
prayed for by the petitioners/defendants before the learned
trial Court. It is contended before this Court that such local
inspection is very much necessary since the suit property is
in dilapidated condition and the same is in urgent need of
repair.

Mr. Sayan Sinha, learned advocate for the opposite
party/plaintiff opposes such contention.

Drawing attention of this Court to the photocopy of
the petition for inspection, it is argued on behalf of the
opposite party that nowhere in the said application for
commission, the petitioners/defendants before the learned

trial Court has stated that the property is in urgent need of repair.

In considered view of this Court, the argument as advanced by learned advocate for the opposite party/plaintiff is very much convincing. Admittedly, in the petition for local inspection as filed before the learned trial Court, it has not been stated specifically by the present petitioners/defendants that the suit property is in urgent need of repair.

In view of such, this Court finds no illegality and infirmity in the impugned order.

The instant revisional application being **CO 907 of 2022** is, thus, dismissed on contest.

The impugned order number 17 dated 25.11.2021 as passed by the learned Civil Judge, Junior Division, Amta, Howrah is hereby affirmed. The interim order as passed on 10.05.2022 stands hereby vacated. Let a copy of this order be sent down at once.

Liberty is given to the present petitioners/defendants to file similar such application before the learned trial Court if occasion arises.

It is further directed that learned trial Court shall make an endeavour to dispose of Title Suit No. 107 of 2018 preferably within a year from the date of communication of this order.

(Partha Sarathi Sen, J.)