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C.O. 2131 of 2022

**Madhusudan Saha
Vs
Shubhendu Saha & Ors**

Mr. Souri Ghosal,
Mr. Prabhat Kumar Singh,
... For the petitioner.

Petitioner assails order dated 6th July, 2022 passed by learned Civil Judge (Senior Division), 1st Additional Court, Burdwan in Title Suit No. 104 of 2015 rejecting the prayer for ad interim order of injunction as well as the prayer for local inspection by a composite order.

As per submission disclosed by the learned advocate for the petitioner that an appeal has been preferred against the rejection of a prayer for ad interim order of injunction being FMAT 294 of 2022, and that is still pending.

The learned advocate appearing for the petitioner further submits that prayer for local inspection was made to reveal the exact state of affairs of the suit property, and in the event of ascertaining the real state of affairs of the suit property, it would facilitate the Court below to dispose of the injunction application in a most efficacious manner.

When an appeal has been pending as referred

hereinabove, it is for the appellate Court to decide the feasibility of the local inspection, if at all required or not.

Therefore, simply to prevent conflicting decision, this Court does not wish to interfere with the impugned order, because by composite order not only the ad interim order of injunction has been refused, but also the prayer for local inspection has been rejected.

The revisional application is thus disposed of giving liberty to the petitioner to pray for local inspection before the appellate Court, and if any local inspection is at all needed, the same may be considered in accordance with law.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)