

August 3, 2023
Sl. No.587
Court No.19
s.biswas

CO 2548 of 2022
With
CAN 1 of 2022

Smt. Shyamali Das and others
vs.
Sri Sankar Karmakar @ Sankar and another

Mr. Amit Singh
... for the applicants
Mr. Tanmay Chowdhury
Mr. Ritoprito Ghosh
... for the opposite party

Re:CAN 1 of 2022

This court does not find any need to modify the order dated December 1, 2022, passed by my predecessor Judge (since retired). The entire order was passed on the basis of the prayer for local inspection in respect of D-schedule property. D-schedule property was incorporated in the plaint by way of amendment.

In the order dated December 1, 2022, a coordinate bench was considering whether local inspection of D-schedule property should be allowed or not. Accordingly, the order was passed. The entire order including the reference to C.O. 3563 of 2019 deals with D-schedule property.

As the order did not take into consideration the earlier direction passed by the learned trial judge with regard to the local inspection of A-schedule property, the modification is unnecessary. Orders passed in earlier rounds of litigation in the suit with regard to the inspection of A-schedule property

which have attained finality, were not considered at all in the order December 1, 2022.

The prayer for modification being CAN 1 of 2022 is not entertained.

The application is disposed of.

There shall be no order as to costs.

Parties to act on the server copy of this order.

(Shampa Sarkar, J.)