

24.02.2022
(S/L-21)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 3082 of 2019
With
I.A. No. CAN 1 of 2019 (Old CAN 11768 of 2019)

Sri Anil Kumar Guchhait (Dead),
represented by Smt. Charu Guchhait & ors.

-Vs-

Parameshawr Gaunia & ors.

Mr. Ziaul Haque,
Mr. Manish Kumar Das,
..... For the Petitioners.

Mr. Amit Baran Dash,
... For the Opposite Parties.

The name of Anil Kumar Guchhait, the defendant no. 1 of Title Suit No. 170 of 1990 pending before the 1st Additional Court of learned Civil Judge (Junior Division) Contai, District: Purba Midnapore has already been expunged from the cause-title of the connected plaint. Therefore, the petitioner nos. 1(a), 1(b) and 1(c) being the heirs and legal representatives of said defendant no. 1 cannot maintain the present revisional application.

However, for the other defendants, the petitioner nos. 2, 3, 4 and 5 herein there is no such impediment.

The learned Trial Judge by the order impugned being order no. 167 dated February 27, 2019 has accepted the Survey report of the

Investigation Commissioner with the observation that although there are some meagre faults in the report but the same is not sacrosanct in deciding the fate of the suit, which would be decided on the basis of other evidences.

This Court does not find any illegality and/or infirmity in the said observation of the learned Trial Judge in accepting the said report.

The order impugned, therefore, does not call for any interference.

C.O. 3082 of 2019 is dismissed without any order as to costs.

In view of the dismissal of the revisional application, the connected application being I.A. No. CAN 1 of 2019 (Old CAN 11768 of 2019) has become infructuous and is also disposed of accordingly.

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.)