

15.03.2022
(S/L-22)
Ct.-18
(Susanta)

C.O. 3862 of 2019

Sankar Prasad Bag & Ors.
-Vs-
Sri Rabindra Nath Shee & Ors.

Mr. Goutam Das,
Mr. P. Das,
.... For the Petitioners.

Mr. Goutam Das, learned advocate for the petitioners submits that as directed by the order dated March 05, 2020 notice has been served upon the learned advocate representing the opposite parties in the Court below, he files a photocopy of the notice evidencing such service, which is taken on record.

None appears on behalf of the opposite parties in spite of service.

The plaintiffs of Title Suit no. 235 of 2018 pending before the learned Civil Judge (Junior Division) at Kakdwip, District 24-Parganas (South) are the petitioners of the present revisional application under Article 227 of the Constitution of India.

The learned Trial Judge by the order impugned being order dated November 4, 2019 has allowed an application filed by the opposite parties under Order XXXIX Rule 7 of the Code of Civil Procedure thereby appointed one learned

advocate as the Commissioner to hold local inspection of the suit properties on the points mentioned in the said application.

On perusal of the said application, it appears that except some allegation against the plaintiffs, there is nothing in the said application justifying local inspection of the suit properties. That apart, points on which the inspection of the suit properties has been sought for are aimless and beyond the scope of Order XXXIX Rule 7 of the Code.

Moreover, the order impugned is not supported by any reason whatsoever, and is liable to be set aside on the said ground alone.

For the aforesaid reasons, the order impugned is set aside.

C.O. 3862 of 2019 is allowed with the above terms 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.)