

05.07.2022
Item No.16
Court No.18
AJ.

C.O. 4122 of 2019

Adhir Pal
-Vs-
Nigamananda Biswas & Ors.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal.

.....for the petitioner.

Mr. Samik Sarkar.

.....for the opposite party
nos. 1 to 3.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration of title and mandatory injunction which is directed against Order No. 96 dated 25th July, 2018 passed by the learned Civil Judge (Senior Division), Tehatta, District : Nadia in connection with Title Suit No. 408 of 2013 corresponding to Title Suit No. 109 of 2012 previously pending before the 1st Court of the learned Civil Judge (Senior Division), Krishnagar, District : Nadia.

The learned Trial Judge by the order impugned has dismissed an application filed by the plaintiff for appointment of an investigation commissioner to hold local investigation of the suit property on the ground that it will cause unnecessary delay in disposal of the suit.

The plaintiff is claiming that the suit 'schedule B property' is a part of L.R. Plot No. 1173 whereas the defendants are claiming that their property is situated within L.R. Plot No. 1172. The points on which the petitioner is seeking investigation are therefore completely irrelevant in deciding the dispute between the parties. Moreover, the suit has reached to a matured stage and at this stage the prayer of the plaintiff, if allowed, would cause unnecessary delay in disposal of the suit.

The order impugned for the aforesaid reason does not call for any interference.

C.O. 4122 of 2019 is dismissed 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.)