

10.04.2023
Item No. 11
Ct. No. 237
RUP

CO. 252 of 2023

Shyamal Halder
Vs.
Parimal Halder

Mr. Gouranga Kumar Das.....for the petitioner

Mr. Sandip Dafor the plaintiff/opposite party

Affidavit-of-service filed by the petitioner is taken on record.

The order dated 10th January, 2023 is challenged in this revisional application. From the order impugned it is found that the plaintiff/opposite party filed an application under Order 26 Rule 9 of the Code of Civil Procedure for investigation of the subject property in presence of both sides.

Learned Judge received the Commissioner's report which was done after service of notice upon both the parties to the suit, and according to Commissioner's report petitioner/defendant did not attend commissioner work at that time purposefully. In the order impugned it is further stated that at the time of acceptance of the Commissioner report neither any written objection was filed, nor any oral objection was advanced before the learned Trial Court.

On a careful perusal of the entire impugned order dated 10th January, 2023, I do not find any illegality or infirmity to invoke the provision of Article 227 of the Constitution of India.

With the above observation the revisional application stands dismissed.

(Bibhas Ranjan De, J.)