

Item No.51
19.12.2023
Court. No. 19
GB

C.O.1799 of 2023

Smt. Janki Gupta
VS
Sri Satyanarayan Gupta

Ms. Srijani Mukherjee

...for the Petitioner.

*Mr. Syamal Kumar Das,
Ms. Smita Pal*

...for the Opposite Party.

The revisional application has been filed challenging an order dated March 22, 2023, passed by the learned Civil Judge (Junior Division), 2nd Court at Barrackpore in Ejectment Suit No.26 of 2020.

By the order impugned, the learned court rejected an application for local inspection. The learned court was of the view that the actual possession of the suit property could not be determined, as the same would amount to collection of evidence. The plaintiff would have to prove her case by adducing cogent evidence and possession could not be proved by such a circuitous manner.

From the points for local inspection, it does not appear that the plaintiff wanted to prove her possession. The plaintiff claims to be the landlord and owner of the property in question and has filed the suit for eviction against the defendant. The plaintiff has filed the suit, inter alia, on the ground of reasonable requirement, as well.

According to the plaintiff, the available accommodation in the premises is not adequate and the

plaintiff requires the tenanted premises for her own use and occupation and for the use and occupation of the family.

From the written statement filed by the defendant, it is evident that the defendant has specifically stated that the plaintiff has reasonable accommodation within the suit premises and the shop rooms close to the suit premises are available for the plaintiff to run her business.

This Court is of the view that in such a suit, local inspection would be necessary on the points stated hereinbelow:-

POINTS FOR LOCAL INSPECTION

- a) To go to the local that is premises No.81 R.P. Gupta Path, P.O., P.S. & Municipality : Titagarh, District North 24-Parganas Kolkata 700119 and to ascertain how many rooms are under the occupation of the plaintiff in the said premises and/or suit premises.
- b) To take measurements of the said rooms and to ascertain the mode of user of those rooms;
- c) To draw a handsketch map of the suit premises showing rooms and other accommodation available in the suit premises.

Point No. 'd' is not necessary.

The order impugned is set aside and the learned court is direction to appoint a learned Advocate to hold the local inspection at the cost of the plaintiff. Such inspection shall be held upon notice to all the parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)