

04.09.2023
Court No. 19
Item No.31
CP

C.O. 2712 of 2023

Satyabrata Das

Vs.

Subhas Chandra Das & ors.

Mr. Basudeb Gayon

Mr. Subhas Jana

...for the petitioner.

This revisional application is not entertained. In a suit for declaration of tenancy, further local inspection of the accommodation of the plaintiff on non-suit plots are not relevant.

Moreover, the learned court below has found that there is already a commissioner's report by which the actual picture of the suit property has been brought on record.

Under such circumstances, when the condition of the existing property was already on record, further local inspection for providing details as to whether the landlord had other properties, was rightly rejected, as it would amount to fishing out of evidence and was not relevant for the petitioner's case.

This is not a suit for eviction, but a suit for declaration of tenancy.

The revisional application is accordingly dismissed.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)