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Ct. 19
16.07.2024

In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)
C.O. 768 of 2024

**Akhtar Hossain Mondal @ Akhtar Mondal @ Aktar
Husen Mandal**

Vs.

Subhas Chandra Biswas

Mr. Saptarshi Kr. Kundu

... For the petitioner.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction, which is directed against the Order No. 28 dated October 12, 2023 passed by the 1st Court of Learned Civil Judge, (Junior Division) at Ranaghat, District – Nadia, in the said suit being *Title Suit No. 24 of 2018*.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Order XXVI Rule 9 of the Code of Civil Procedure for holding local investigation of the suit.

The defendant has prayed for such investigation to demonstrate that the suit property is situated on a land not belonging to the plaintiff but to the Public Works Department (P.W.D), Government of West Bengal.

The learned Trial Judge by the order impugned has dismissed the said application holding *inter alia* that the defendant since has admitted in his cross-examination that he is the tenant under the plaintiff; there is no necessity of the investigation as prayed for.

This Court therefore does not find any reason to interfere with the order impugned.

C.O. 768 of 2024 therefore is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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.)