

03.07.2024  
(M/L-32)  
Ct.-19  
(Susanta)

**IN THE HIGH COURT AT CALCUTTA**  
**CIVIL REVISIONAL JURISDICTION**

C.O. 1311 of 2024

Sri Jagneswar Chakraborty & Anr.  
-Vs-  
Sri Dhrubaram Kanu

Mr. Krishna Das Podder,  
Mr. Dilip Kumar Shyamal,  
... For the Petitioners.

Mr. Tanmoy Mukhejee,  
Mr. Souvik Das,  
Mr. Tapas Chatterjee,  
Mr. Rudranil Das,  
Mr. A. Raihan Ahamed,  
Mr. Soumava Santra,  
.... For the Opposite Party.

The defendants in a suit for declaration of title and recovery of possession are the petitioners of the instant revisional application under Article 227 of the Constitution of India which is directed against order no. 107 dated March 12, 2014 passed by the 3<sup>rd</sup> Court of learned Civil Judge (Junior Division), Paschim Medinipur, in the said suit being Title Suit No. 63 of 2007.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners for holding local inspection of the suit property.

In the suit, the plaintiffs are praying *inter alia* a decree of recovery of possession of the property allegedly encroached upon by the defendants.

To succeed in the suit, the plaintiff is required to prove the alleged encroachment with cogent

evidences; the defendants are not obliged to prove that there is no such encroachment, therefore the prayer of the defendants to hold local inspection of the suit property is a misconceived action.

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

C.O. 1311 of 2024 is dismissed with the above observations 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.)**