

ML 104  
07.05.2024  
Court. No. 19  
GB

C.O. 1918 of 2023

Murari Mohan Das  
Vs.  
Sri Sachindra Nath Das & Anr.

*Mr. Sounak Bhattacharya,  
Mr. Sounak Mandal,  
Mr. Chandra Nath Sarkar*

*...for the Petitioner.*

The revisional application arises out of an order dated March 3, 2023, passed by the learned Civil Judge (Junior Division), 3<sup>rd</sup> Court at Baruipur, District – 24 Parganas (South) in Title Suit No. 78 of 2013.

By the order impugned, the learned court rejected an application for local investigation. The court was of the view that the facts in issue and the relevant facts pertaining to the suit, do not require any local investigation. The suit has been filed by the plaintiff for declaration, permanent injunction along with a prayer for recovery of possession in respect of Kha schedule property. Local investigation was prayed for in respect of the Kha schedule property.

The court rejected such prayer. Defendants' possession in Kha schedule property is not disputed. The dispute and controversy is whether the occupation of the defendant no.1 was as per law, based on the partition deed no.4182 dated November 6, 1989 or not. The defendants have categorically denied the correctness of the partition

deed and they had stated that they were in rightful possession of the said property.

Whereas, the plaintiff alleges that the Kha schedule property belongs to the plaintiff. In such a dispute, local investigation is not necessary.

There is no dispute either with regard to any boundary or encroachment. Thus, the learned court rightly rejected the application.

Accordingly, the revisional application is dismissed.

However, there will be no order as to costs.

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

**(Shampa Sarkar, J.)**