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Ct. 19
25.06.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 2193 of 2024

Smt. Manju Pyne & Ors.

Vs.

Sri Jyoti Roy & Ors.

Mr. Kushal Chatterjee,
Mr. Debrup Choudhury,
Ms. Nibedita Mukherjee ... For the petitioners.

The plaintiffs in a suit for declaration of title and injunction are the petitioners in the instant application under Article 227 of the Constitution of India, which is directed against order dated February 27, 2024 passed by the 3rd Court of learned Civil Judge (Junior Division) at Howrah in the said being Title Suit No. 829 of 2020.

The learned Trial Judge by the order impugned has dismissed an application filed by the plaintiffs for holding local inspection of the suit property on the ground that the plaintiffs by such inspection is trying to collect the evidence.

It is the plaintiff's case that there exists a boundary wall in between the land of the plaintiffs and the defendants.

In order to demonstrate the existence and condition of the said wall, the plaintiff has sought for such local inspection of the suit property.

It appears from the record that at paragraph 18 of the written statement, the defendants have admitted the existence of the said wall and the broken condition of it, as such, the inspection as prayed for is not necessary.

The order impugned therefore does not call for any interference.

C.O. 2193 of 2024 is dismissed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

B **(Biswajit Basu, J.)**