

16.07.2024
(D/L-06)
Ct.-19
(Susanta)

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

C.O. 2399 of 2024

Santosh Shaw

-Vs-

M/s. P.K.S. Commercial Private Limited

Ms. Hashnuhana Chakraborty,
Mr. Vinay Kumar Purohit,

... For the Petitioners.

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. 26 dated June 18, 2024 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta in the said suit being Title Suit No. 18 of 2020.

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

Ms. Chakraborty, learned advocate for the petitioners submits that her client is aggrieved as the local inspection has been restricted to the suit property only whereas such inspection has not been sought for in respect of non-suit property admittedly belonged to the plaintiff.

The plaintiff is seeking eviction of the defendant *inter alia* on the grounds that the suit

property is required for its own use and occupation; in a suit of such nature, the existing suitable available accommodation of the plaintiff needs to be ascertained by local inspection.

The learned Trial Judge has rightly held that the plaintiff is to prove its own case and has applied for inspection in respect of the suit property only at its own risk and peril, knowing fully well about its consequences.

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

C.O. 2399 of 2024 is disposed of with the above observations without any order as to costs.

However, the disposal of the suit be expedited.

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.)