

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

C.O. 2486 of 2024

**New Tarun Sangha Club, represented by the Secretary
Mintu Debnath**

Vs.

Kalpana Debnath & Ors.

Mr. Samrat Choudhury,

Mr. Anit Dey

... For the petitioner

The defendant in a suit for declaration of title and recovery of possession is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against the Order No. 23 dated May 20, 2024 passed by the 2nd Court of learned Civil Judge, (Junior Division) at Ranaghat, District – Nadia, in the said suit being Title Suit No. 14 of 2022.

The plaintiffs are alleging that the defendant/Club has encroached upon the suit property and has put a construction thereon.

The defendant is contesting the said suit with a counter claim for declaration of their right, title, interest over the suit property by way of adverse possession.

The defendants in the suit had filed an application under Order XXVI Rule 9 of the Code of Civil Procedure for local investigation of the suit property to ascertain the age of the construction on it.

The learned Trial Judge has dismissed the said application holding that by such investigation, the age of the construction cannot be ascertained.

This Court does not find any infirmity and/or irregularity in such finding warranting interference in the order impugned.

C.O. 2486 of 2024 is therefore 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.)