

24.07.2024
Item No.14, DL
Ct.19
A.J.

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

C.O. 2537 of 2024

**Smt. Gopa Roy & Ors.
-Vs-
M/s. Iconic Reality & Ors.**

Mr. Bratin Kumar Dey,
Ms. Anjana Banerjee,
Mr. Pushon Chattopadhyay.
.....for the petitioners.

The plaintiffs, in a suit for declaration that the schedule property is the Ezmalı Road of the parties, are the petitioners of the instant application under Article 227 of the Constitution of India which is directed against the Order dated May 10, 2024 passed by the 1st Court of the learned Civil Judge (Junior Division) at Krishnagar, District : Nadia in the said suit being Title Suit No. 385 of 2019.

The learned Trial Judge by the order impugned has dismissed an application filed by the plaintiffs for holding local investigation of the suit property to ascertain the existence of such road.

It appears from the written statement that the existence of such road has not been specifically denied by the defendants in their written statement, the nature of use of such road cannot be ascertained by local investigation, therefore, the investigation on the points as prayed for, is not necessary.

The order impugned does not call for any interference, C.O. 2537 of 2024 is disposed of with the above observations without any order as to costs.

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

(Biswajit Basu, J.)