

29.07.2024
(D/L-13)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2540 of 2024

Panchanan Mondal & Ors.

-Vs-

Nepal Ghosh & Ors.

Ms. Ipsita Ghosh,

... For the Petitioners.

The plaintiffs in a suit for recovery of possession are the petitioners of the instant revisional application under Article 227 of the Constitution of India which is directed against order No.82 dated April 10, 2024 passed by the 1st Court of learned Civil Judge (Senior Division) at Malda in the said suit being *Title Suit No. 64 of 2009*.

The learned Trial Judge by the order impugned has dismissed an application under Order XXVI Rule 9 of the Code of Civil Procedure filed by the petitioner praying investigation of one of the suit dag on the ground that the application does not disclose as to why the other suit dag have been excluded from the purview of such investigation.

On perusal of the application for local investigation, it appears that the application lacks clarity; therefore, the order impugned does not call for any interference.

This order however will not prevent the petitioners to file a fresh application with sufficient particulars, and if such an application is filed, the learned Trial Judge shall decide the same on its merit, in accordance with law.

C.O. 2540 of 2024 is disposed of with the above observations 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.)