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Ct. 19
14.08.2024

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

C.O. 2879 of 2024

**Abha Bagrodia
Vs.
Pushpa Bagrodia & Ors.**

Mr. Siddhartha Lahiri,
Mr. Debraj Dutta ... For the petitioner.

Mr. Aniruddha Chatterjee,
Mr. Tanmoy Mukherjee,
Mr. Neelesh Choudhury,
Mr. A. Poddar ... For the opposite parties.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for partition, which is directed against the order dated July 11, 2024 passed by the 2nd Court of learned Civil Judge, (Senior Division) at Alipore, District – 24 Parganas (South), in the said suit being Title Suit No. 83 of 2015.

By the order impugned, the learned Trial Judge has refused to issue witness summon to the commissioner, who has recorded the evidence of D.W. 1.

The prayer for issuance of such summon is entirely misconceived, C.O. 2879 of 2024 is dismissed as such 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.

(Biswajit Basu, J.)