

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

C.O. 2902 of 2024

**Sulekha De & Ors.
Vs.
Rekha Paul & Anr.**

Mr. Uttam Banerjee,
Mr. Arvnesh Pathak,
Mr. Aniruddha Singha Roy

... For the petitioners.

The defendants in a suit for declaration of title are the petitioners of the instant application under Article 227 of the Constitution of India, which is directed against the order dated March 20, 2024 passed by the 1st Court of learned Civil Judge, (Junior Division) at Hooghly, in the said suit being Title Suit No. 94 of 2011.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners for holding investigation of the suit property to ascertain whether there exists a passage in 'B' schedule property.

The witness action of the suit is at the very matured stage. The inspection of the said suit property has been conducted once the learned Trial Judge under such backdrop has dismissed the said application holding that this Court finds that there exists a passage in 'B' schedule property on the plaint and it is admitted by both sides as such there is no necessity to ascertain by survey commission whether there exists any common passage as alleged by the defendants.

This Court does not find any reason to interfere with the order impugned; C.O. 2902 of 2024 is dismissed 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.)