

29.08.2024
Item No.12,
DL, Ct.19
A.J.

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

C.O. 2994 of 2024

Manoranjan Roy

-Vs-

Sri Amit Kumar Biswas

Mr. Suman Chakraborty.

.....for the petitioner.

Mr. Jayanta Kumar Mandal,

Mr. Sayantan Rakshit.

.....for the opposite party.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration of title and injunction and is directed against Order No.35 dated June 28, 2024 passed by the 1st Court of the learned Civil Judge (Junior Division), at Serampore, District : Hooghly in the said suit being *Title Suit No. 421 of 2021*.

The learned Trial Judge by an order impugned has dismissed an application filed by the plaintiff under Order XXVI Rule 9 of the Code of Civil Procedure holding that there is no allegation of encroachment in the plaint.

It appears that the plaintiff in the plaint has alleged that the defendant is trying to encroach upon his land.

In view of such nature of the allegation, investigation as prayed for, is not necessary.

C.O. 2994 of 2024 is thus dismissed 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.)