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12.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 3253 of 2024

Sri Sridam Koley & Ors.

Vs.

B.L. & L.R.O., Chanditala 2, Dankuni & Ors.

Mr. Tanmoy Mukherjee,
Mr. Kajal Baran Ray,
Mr. Suman Nandi ... For the petitioners.

Mr. Ashoke Banerjee, Sr. Adv.,
Mr. Debabrata Banerjee,
Mr. Himangshu Ghosh
... For the Collector, Hooghly.

The plaintiffs in a suit for declaration of title and injunction are the petitioners of the instant application under Article 227 of the Constitution of India, which is directed against the order dated August 13, 2024 passed by the learned Additional District Judge, Fast Track Court at Serampore, District – Hooghly, in *Miscellaneous Appeal No. 32 of 2021*.

The petitioners in the said Miscellaneous Appeal have filed an application under Order XXXIX Rule 7 of the Code of Civil Procedure for holding local inspection of the suit property on the points enumerated therein.

The Appeal Court below by the order impugned dated August 08, 2019 has proposed to dispose of the said application along with the said Miscellaneous Appeal.

The petitioners are aggrieved by the said course as the said application was filed in aid of the said appeal; as such, they want that the said application be heard first.

The said application for local inspection is an attempt to enlarge the scope of the said appeal; therefore, the course

proposed to be adopted by the Appeal Court below does not call for any interference.

The Appeal Court below need not labor itself to deal with such a non-maintainable application.

The said application for local inspection therefore stands dismissed; however, this order shall not prevent the petitioners to apply for such local inspection before the learned Trial Judge if the occasion so arises.

C.O. 3253 of 2024 is therefore 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.)