

12.09.2024
Item No.28 DL
Ct.19
A.J.

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

C.O. 3263 of 2024

**Padmamala Majherpara Adi
Barowari Puja Mondali**

-Vs-

Anup Halder & Ors.

Mr. Partha Pratim Roy,
Mr. Anirban Das,
Ms. Paulami Chakraborty,
Mr. Samrat Chakraborty.
.....for the petitioner.

The plaintiff in a suit for permanent injunction is the petitioner in the instant application under Article 227 of the Constitution of India which is directed against an order dated June 05, 2024 passed by the 3rd Court of the learned Civil Judge (Junior Division) at Krishnanagar, District : Nadia in the said suit being Title Suit No. 366 of 2022.

The learned Trial Judge, by the order impugned, has dismissed an application filed by the petitioner for holding local investigation of the suit property by a survey passed Commissioner to measure and to relay the R.S. and L.R. map to find out four corners and ambit of the schedule property.

The learned Trial Judge has dismissed the said application holding that the said application is aimed to collect the evidence.

The said finding of the learned Trial Judge does not call for any interference as the nature of the suit property since is in dispute, to resolve it, the plaintiff is obliged to bring cogent evidences on record, for the said purpose, the provision of Order XXVI Rule 9 of the Code cannot be resorted to.

C.O. 3263 of 2024 is 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.)