

06.03.2024
Item No.29
Ct. No.7
KS

C.O. 3516 of 2023
Anutosh Das Adhikary & Ors.
Vs.
Sri Ranatosh Das Adhikary & Ors.

Mr. Tanmay Basu
Mr. Debdip Mondal
Mr. Aasif Mondal
Mr. Monaj Adak

.....for the Petitioners

1. Supplementary Affidavit filed in Court today be taken on record.
2. The Order No.75 dated 11th May, 2023 passed by the learned Civil Judge (Senior Division), Kakdwip, South 24 Parganas in Title Suit No.245 of 2018 is under challenge in this civil order. By the said order, the prayer for adjournment of the date for investigation commission was rejected.
3. Learned advocate appearing for the petitioners submits that on 11th May, 2023 the petitioners filed an application praying for adjournment of the investigation commission work, which was scheduled to be held on 13th May, 2023 at 10 a.m. on the ground that the petitioners have to move to Bangalore for medical treatment.

4. Learned advocate appearing for the petitioners failed to point out any document annexed to the Supplementary Affidavit, wherefrom it will be evident that the petitioner was admitted to the hospital on 13th May, 2023.
5. The learned Trial Judge after considering the application as well as the documents filed by the petitioners arrived at a factual finding that there is nothing in the document from where the Court can come to the conclusion that the father of the defendant has to be admitted on 13th May, 2023.
6. On a query of this Court, the learned advocate for the petitioners submits that the investigation commission work was held as per the schedule on 13th May, 2023.
7. In view thereof, this Court is not inclined to interfere with the order impugned.
8. Accordingly, C.O. 3516 of 2023 stands dismissed without however any order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)

