

Sl.24
07.03.2025
Court No.6
BP

C.O. 96 of 2025

Pravat Pradhan & Ors.
-versus-
Madhusudan Das & Ors.

Mr. Partha Pratim Roy
Mr. Lutful Hoque
Ms. T. Khatun
Mr. Sk. Mustak Ali
..for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant nos. 12(a) to (c) and is directed against an order being no. 93 dated 2nd December, 2024 passed by the learned Civil Judge (Junior Division), 2nd Court, Tamluk, Purba Medinipur in Title Suit No.229 of 2017.

By the order impugned the application under Order 39 Rule 7 of the Code of Civil Procedure praying for appointment of a learned advocate Commissioner for holding local inspection stood rejected. The opposite party nos. 1 to 8 herein filed a suit for declaration of title and for declaration that the deed of sale executed by the defendant nos. 4 to 7 and 3 and 8 in favour of the petitioners herein are illegal, void, baseless and false and for a permanent injunction restraining the defendants from disturbing the peaceful possession of the plaintiffs in respect of Ka schedule property in such a suit.

The petitioners herein filed an application under Order 39 Rule 7 of the Code of Civil Procedure. It has been stated in the said application that the plaintiffs/opposite parties herein are trying to change the nature and character of the suit property and for such purpose the application for local inspection was filed. It is not in dispute that the petitioners herein have not filed any application praying for injunction against the plaintiffs/opposite parties herein alleging that they are trying to change the nature and character of the suit property.

In view thereof, this Court is of the considered view that the application for local inspection filed by the petitioners was only for the purpose of fishing out evidence which is not permissible in law. The learned trial judge was right in rejecting the application for local inspection.

In view thereof, C.O. 96 of 2025 stands dismissed.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)