

C.O. 116 of 2025

Mr. Harsh Vardhan Mall
-versus-
Mr. Jay Prakash Singh & Anr.

Mr. Rupak Ghosh.
Mr. Ayan Dutta.
Mr. Abhishek Jain.
Mr. Rakesh Jain

... For the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for eviction under the West Bengal Premises Tenancy Act and is directed against an order being no.16 dated 7th December, 2024 passed by the learned Judge, 4th Bench, Presidency Small Cause Court in Ejectment Suit No. 395 of 2022. By the order impugned the application under Order XXVI Rule 9 of the Code of Civil Procedure praying for appointment of an Engineer Commissioner for holding commission stood rejected.

The Learned advocate appearing for the petitioner submits that the suit was filed on various grounds including the ground of addition and alteration of the suit premises without the consent of the petitioner.

After going through the averments made in the plaint and the points for local inspection, this Court is of the considered view that the petitioner has sought to fish out evidence by way of local inspection. The learned trial judge assigned cogent reasons for rejecting the said application.

In view thereof, this Court is not inclined to interfere with the order impugned. Accordingly,

C.O. 116 of 2025 stands dismissed without however any 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.)