

A-1518
11.08.2025
Court No.6
BP

C.O. 355 of 2025

Smt. Malati Mondal
-versus-
Debala Biswas & Ors.

Mr. Tarak Nath Halder
... for the petitioner

Mr. Anirban mitra
Mr. Amit Halder
..for the opposite parties

Affidavits of service filed in Court today are taken on record.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated December 18, 2024 passed by the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas in Title Suit No. 222 of 2019.

By the order impugned the application under Order 39 Rule 7 of the Code of Civil Procedure stood rejected.

Mr. Halder, learned advocate appearing for the petitioner submits that there was a bamboo fencing encircling a portion of the property of the petitioner. He further submits that the said fencing was illegally demolished by the opposite parties herein.

The petitioner filed an application for reinstalling the bamboo fencing and in aid of such application the application for local inspection was filed.

Heard the learned advocate for the opposite parties on such submission.

After going through the materials on record this Court finds that the petitioner herein filed an application under Section 151 of the Code of Civil Procedure praying for reinstalling the bamboo fencing on a portion of the suit property.

Mr. Halder, learned advocate appearing for the petitioner draws the attention of the Court to the report of the Commissioner and the sketch map appended thereto which is appearing at page 38 of the civil revisional application in support of his contention that in the said report the existence of the bamboo fencing was indicated therein. He, therefore, submits that the local inspection on the points indicated in the schedule of such application is necessary for the purpose of adjudicating the application under Section 151 of the Code of Civil Procedure.

After going through the application under Section 151 of the Code of Civil Procedure this Court finds that the petitioner sought for local inspection in order to ascertain the present position of the entire suit property; the descriptions of the trees lying over the suit property; the descriptions of the houses etc. lying over the suit

property; a hand-sketch map to be prepared stating presence of everything standing over the suit property and to indicate other local features.

After going through the schedule of such application this Court finds that there is no mention with regard to the bamboo fencing.

After going through the materials on record and hearing the learned advocates for the parties, this Court is of the considered view that local inspection on the points mentioned in the schedule of the application for local inspection are not necessary for the purpose of deciding the application under Section 151 of the Code of Civil Procedure.

For such reason, this Court is not inclined to interfere with the ultimate conclusion arrived at by the learned trial judge thereby rejecting the application for local inspection.

Accordingly, C.O. 355 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.)