

23.04.2025
SL No.138
Court No.22
S.Gayen

CO 619 of 2023
Sailendra Kumar Karmakar
Versus
Mihir Kumar Mondal

Mr. Animesh Mukherjee
...for the Petitioner
Mr. Sukanta Das
Mr. Snehasis Jana
Ms. Anulekha Bera Maiti
...for the Opposite Party

1. This revisional application has been filed assailing the Order dated 28th November, 2022 in connection with Title Suit No. 30 of 2003, wherein the learned Civil Judge (Junior Division), Additional Court, Suri, Birbhum accepted the report of the Investigating Commissioner dated 7th November, 2019 after considering the objection raised by the plaintiff/petitioner herein by filing an objection on the grounds mentioned therein, particularly in paragraph 12 of the objection petition.
2. Mr. Animesh Mukherjee, learned counsel appearing on behalf of the petitioner has submitted that the learned Commissioner did not take any measurement of the 'B' schedule property and also did not take any measurement of entire subject property.

3. Mr. Mukherjee further contended that the Commissioner did not consider the objections raised by the plaintiff against the Commissioner.
4. Against this, learned counsel appearing on behalf of the opposite party/defendant has referred to the deposition of the Commissioner, particularly the cross-examination of the Commissioner on behalf of the plaintiff. It is submitted that the objections raised in the application have not been put to the Commissioner at the time of cross-examination.
5. I have gone through the deposition of the Commissioner annexed with the affidavit-in-opposition and also do not find any particular question on behalf of the plaintiff in terms of the objections raised against the Commissioner's report before the learned Trial Court.
6. I have gone through the report of the Commissioner who answered all the points for commission mentioned in the writ, that apart, no specific suggestion was put to the Commissioner at the behest of the plaintiff in course of his examination.
7. Before parting with, I find that after cross-examinations on behalf of the plaintiff, the Commissioner's report was admitted in evidence as 'Exhibit-1' that too without any objection.

8. Considering all facts and circumstances, I do not find any reason to interfere with the order impugned in this revisional application.
9. In the aforesaid view of the matter, the revisional application stands dismissed without cost.
10. The learned Trial Judge is requested to dispose of the suit which is pending since 2003 as expeditiously as possible without giving any unnecessary adjournment to either of the parties.
11. Interim order, if any, stands vacated and connected application, if any, also stands disposed of accordingly.
12. The learned advocate appearing on behalf of the petitioner is directed to intimate the order to the learned Trial Judge.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De, J.)