

Sl. 12
24.03.2025
Court No.6
BP

C.O. 934 of 2025

Sekh Jainal Abedin
-versus-
Tushar Kanti Singha

Ms. Adrisnata Chakraborty
.... for the petitioner

Mr. Dyutiman Banerjee
Mr. Salil Kumar Maity
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no. 43 dated November 29, 2024 passed by the learned Civil Judge (Junior Division), First Court at Tamluk, Purba Midnapore in Original Suit no. 11 of 2023.

The petitioner herein filed an application under Order 39 Rule 7 of the Code of Civil Procedure praying for appointment of a commissioner to submit a report on the points as mentioned in the schedule of the application for local inspection. The opposite party herein filed a suit for eviction and for recovery of khas possession.

Learned advocate appearing for the petitioner submits that it has been admitted by the plaintiff/opposite party herein that the building is a dilapidated one. She submits that the building requires urgent repairs and for such the application for local inspection was filed.

However, the learned advocate for the petitioner, in her usual fairness, submits that no application for repairing has been filed. The learned trial judge also took

note of the fact that no application for repairing was filed and for such reason the learned trial judge rejected the application for local inspection.

This Court does not find any infirmity in the order impugned. In view thereof, C.O. 934 of 2025 stands dismissed.

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.)