

Sl. 8
26.03.2025
Court No.6
BP

C.O. 983 of 2025

Santosh Kumar Gupta
-versus-
Ramjee Gupta

Mr. Arup Krishna Das
Mr. Abdus Salam
.... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated March 3, 2025 passed by the learned Civil Judge (Junior Division), 3rd Court at Howrah in Title Suit No. 1152 of 2021.

The opposite party herein filed a suit for eviction against the petitioner herein in respect of a self-contained flat being flat no.3A of the building "Raj Bhawan" together with all rights of easement and common passage of the building at Municipal holding no.2, Hat lane under Police Station and District Howrah. In the plaint it has been stated that the measurement of the flat is 685 sq. ft. The defendant/petitioner herein in the written statement has disputed the measurement of the suit flat and states that the actual measurement is only 598 sq.ft. In order to ascertain the actual measurement of the said flat the defendant/petitioner filed an application for local inspection which was rejected by the learned trial judge by the order impugned. The suit is for eviction of a self-contained flat. Though there may be a dispute between the parties with regard to the measurement of the said flat but

only for the purpose of ascertaining the measurement local inspection is not necessary as the measurement of the suit flat is not relevant for the purpose of deciding the suit for eviction. The learned trial judge was right in rejecting the application for local inspection. This Court does not find any reason to interfere with such order. Accordingly, C.O. 983 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.)