

Sl.40  
13.05.2025  
Court No.6  
BP

C.O. 1656 of 2025

M/s. S. Jay Kishan & Ors.  
-versus-  
Prbeer Seaal & Anr.

Mr. Jayak Gupta  
Mr. Pawan Kumar Jajodia  
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order being no. 106 dated 26<sup>th</sup> March, 2025 passed by the learned Judge, VIth Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 263 of 2009.

By the order impugned the application for local inspection was rejected.

After going through the application for local inspection this Court finds that the defendants/petitioners herein are trying to fish out the evidence by filing the application for local inspection. In the application for local inspection the petitioners have sought for local inspection in order to note the names of the occupiers of the premises and to measure their respective occupation and to note the name of the persons who are in occupation of the suit premises.

The learned trial judge was right in holding that it is the plaintiff who has to prove his case by adducing cogent evidence and in default of which the plaintiff will

have to face the consequences. The learned trial judge assigned cogent reasons for rejecting the said application.

This Court, therefore, is not inclined to interfere with the order impugned.

Accordingly, C.O. 1656 of 2025 stands dismissed.

There shall, however, be 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.)**