

M/L- 1
09/06/2025
Ct. No.-6
Aritra

C.O. 1791 of 2025

**Sri Pabitr Manna & Ors.
Vs.
Sri Biswanath Sasmal & Ors.**

Mr. Jayanta Kr. Mandal
Mr. Sayantan Rakshit

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant Nos.1 to 3 and is directed against an order being No.36 dated February 28, 2025 passed by the learned Civil Judge (Sr. Div.), 1st Court at Tamluk, District-Purba Medinipur in Title Suit No.60 of 2022.

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

The plaintiff/opposite party herein filed a suit for declaration of title, permanent injunction, partition and for recovery of khas possession. In such a suit, the petitioners herein filed an application praying for local inspection. From the schedule of the said application it appears that the petitioners have prayed for local inspection for the purpose of ascertaining as to the nature of the suit property; the number of rooms constructed thereupon and as to whether any construction materials are lying on the suit property.

After going through the points of local inspection, this Court is the considered view that the same was filed only for the purpose of fishing out of evidence which is impermissible in law.

The learned trial judge assigned cogent reasons for rejecting the application for local inspection. This Court does not find any reason to interfere with such order.

Accordingly, CO 1791 of 2025 stands dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)