

17.06.2025

Mithun

List -D/L

Sl. No. 34.

Ct. No. 06.

CO 1907 of 2025

Smt. Rupa Sengupta & Anr.

-Vs.-

Smt. Sikta Sen

Mr. Achyut Basu,
Ms. Punam Basu,
Mr. Srikumar Chakraborty,
Mr. Tirtharaj Ghoshal,
Mr. Amritansu Sengupta

...for the petitioners.

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Hare Krishna Halder,
Ms. Sudipa Bose,
Mr. Soham Banerjee

...for the opposite party.

The application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated May 7, 2025 passed by learned Civil Judge (Jr. Division), 1st Court at Alipore in Title Suit No.174 of 2017.

By the order impugned the application under Order 39 Rule 7 of the Code of Civil Procedure filed by the defendant/petitioners herein stood rejected.

The learned Advocate appearing for the petitioners submits that the Commissioner was appointed at the instance of the plaintiff/opposite party herein and such commission was held without serving any notice upon the petitioners. She further submits that the local inspection is necessary in order to ascertain the extent

of occupation which is under occupation of the plaintiff and the available accommodation at the suit premises as well as other alternative accommodation.

Mr. Ghosh, learned Advocate appearing for the opposite party submits that the Commissioner was appointed at the instance of the plaintiff/opposite party herein. The commission work was held upon due notice to the defendant/petitioners. The petitioners did not participate in the commission proceedings for reasons best known to the petitioners. He further submits that the suit property was inspected by the Commissioner and the Commissioner was also cross-examined by the petitioners herein.

Heard the learned Advocates for the parties and perused the materials placed.

The opposite party herein filed a suit for eviction on the grounds available under Section 6 of the West Bengal Premises Tenancy Act, 1997 including the ground of reasonable requirement. It is not in dispute that in such a suit, the opposite party herein filed an application for local inspection which stood allowed and Commissioner was appointed.

From the Commissioner's report, this Court finds that the local inspection of the suit property as well as premises No.24/6/2, Haridevpur Road, Kolkata was conducted.

The learned Advocate appearing for the petitioners did not dispute the submissions of Mr. Ghosh that the petitioners cross-examined the Commissioner. Since the suit property as well as the alternative accommodation available to the petitioners was duly inspected and the Commissioner filed his report and was cross-examined by the petitioners, this Court is not inclined to interfere with the order impugned rejecting the application for local inspection filed by the defendant/petitioners.

In view thereof, C.O. 1907 of 2025 stands dismissed. There shall 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.)