

Sl.4
19.06.2025
Court No.6
BP

C.O. 2010 of 2025

Bapi Das
-versus-
Ashfaque Ali

Mr. Abhijit Ray
Mr. Santu Nandy
Mr. Md. Ayaan
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 23 dated 6th May, 2025 passed by the learned Judge, 5th Bench, City Civil Court at Calcutta in Title Suit No. 247 of 2023.

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

Mr. Ray, learned advocate appearing for the petitioner submits that unless the local inspection is held the plaintiff cannot prove the portion in respect of which he is in possession.

After going through the points of local inspection this Court finds that the petitioner has sought to prove his possession by way of local inspection. It is well settled that the Commissioner cannot decide the issue with regard to the possession. The learned trial judge assigned cogent reasons for rejection of such application.

This Court does not find any reason to interfere with such finding.

Accordingly, C.O. 2010 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.)