

05.05.2025
(M/L-16)
Ct.-17
(Susanta
Samar)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1886 of 2024
(Assigned)

Dipali Sutradhar & Ors.
-Vs-
Bhim Sutradhar & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
...For the Petitioner.
Mr. Sarbananda Sanyal,
.... For the Opposite Parties.

The defendants in a suit for declaration of title and recovery of possession are the petitioners of the instant application under Article 227 of the Constitution of India which is directed against the order dated May 6, 2024 passed by the 1st Court of learned Civil Judge (Senior Division), Nadia at Krishnanagar, in Title Appeal No. 118 of 2016 arising out of Title Suit No. 12 of 2011.

The suit was dismissed, the plaintiffs aggrieved thereby have preferred the connected Title Appeal. In the said appeal the plaintiffs to demonstrate the possession of the defendants over the suit property had prayed for local investigation of the suit property by an Investigating Commissioner.

The said prayer was allowed by the learned Single Judge of this Court in C.O. 1596 of 2018 vide order dated July 04, 2019. Thereafter investigation was conducted and report was filed.

The learned Trial Judge by the order impugned has accepted the said report.

Mr. Bhattacharyya, learned advocate for the petitioners submits that report par se is defect as would appear from the record itself, therefore, learned Trial Judge was not justified in accepting it.

Mr. Sanyal, learned advocate for opposite parties submits that no objection was taken to the commissioner's report, therefore, at this stage acceptance of it cannot be challenged.

Heard learned Counsel for the parties; perused the materials on record.

The defendants since have not filed any objection to the report the acceptance of it cannot be faulted.

However, defendants are always free to point out the defects in the Commissioner's report at the time of final disposal of the appeal.

C.O. 1886 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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

(Biswajit Basu, J.)