

Court No. 6
(265719)

02.07.2025
(A 1568)
(S. Banerjee)

CO 2072 of 2024

Manju Devi Paswan
Vs.
Bablu Mazumdar & Anr.

Mr. Avijit Ghoshal

...for the petitioner

Mr. Victor Chatterjee

...for the opposite parties

Affidavit of service filed in Court today, is taken on record.

Learned advocate appearing for the petitioner submits that the opposite parties have been duly served.

Learned advocate appearing for the petitioner submits that the application for local inspection was filed in order to bring the clear picture of the suit property before the learned trial judge.

Mr. Chatterjee, learned advocate appearing for the opposite parties opposes such submission. He submits that the suit property does not require any repair work.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated April 26, 2025

passed by the learned Civil Judge (Jr. Division), 2nd Court at Alipore in Title Suit No. 432 of 2021. By the order impugned the application under Order 39 Rule 7 of the Civil Procedure Code for holding local inspection, stood rejected.

It has been stated in the said application that the suit property is in dilapidated condition and the same requires immediate repair. For the purpose of bringing the clear picture of the suit property before the learned trial judge, the petitioner filed an application for local inspection.

This court is of the considered view that local inspection is necessary for the purpose of bringing the clear picture before the court as to whether there is any necessity to effect repairs of the suit property.

The learned trial judge rejected the said application only on the ground that it will have the effect of collection of evidence.

It is well settled that local inspection is necessary for the purpose of ascertaining as to whether the suit property requires any repair.

For such reason, this court is inclined to set aside the impugned order and allow the application for local inspection.

Accordingly, the impugned order is set aside. The application under Order 39 Rule 7 of the Civil Procedure Code stands allowed.

The learned trial judge is directed to appoint a Commissioner for holding local inspection on the points as mentioned in the schedule of the petition under Order 39 Rule 7 of the Civil Procedure Code.

Accordingly, CO 2072 of 2024 stands disposed of.

(Hiranmay Bhattacharyya, J.)