

D/L- 12
17/07/2025
Ct. No.-6
Aritra

C.O. 2432 of 2025

Smt. Anita Roy (Saha)
Vs.
Sri Binay Krishna Debnath & Ors.

Mr. Debjit Mukherjee
Mr. Bappaditya Saha
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff/appellant in Title Appeal No.3 of 2021 and is directed against an order being No.22 dated January 24 of 2025 passed by the learned Additional District Judge, Nabadwip, District-Nadia.

By the order impugned the petition dated February 17, 2024 praying for remanding the matter to the learned trial judge for holding local investigation by the survey passed advocate commissioner stood rejected.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that there is a boundary dispute between the parties which can be resolved only by holding local investigation.

The petitioner filed a suit for declaration of title and possession in respect of Kha schedule property. The petitioner has also prayed for a decree for permanent injunction restraining the defendant No.1 from creating

any obstruction in the matter of construction of drain on the Kha schedule property.

Petitioner prayed for a decree in respect of the entire property as described in the schedule of the plaint. Petitioner did not seek demarcation of the boundary of the plaintiff's property.

After going through the pleadings of the respective parties, this Court does not find that there is any boundary dispute involved in the instant suit.

The learned judge of the First Appellate Court was right in rejecting the prayer for local investigation.

This Court does not find any reason to interfere with the impugned order.

Accordingly, CO 2432 of 2025 stands dismissed.

There shall 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.)