

24.07.2025
Sl. No. 14
Ct No. 6
SG

CO 2614 of 2025

**Subhasish Kar Mahapatra
Vs
Pranab Kumar Saha @ Pronab**

Mr. Prantik Bose,
Mr. Siddhartha Sarkar.

...for the petitioner

1. This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an Order No. 56 dated June 30, 2025 passed by the learned Judge, IX Bench, City Civil Court at Calcutta in Title Suit No. 599 of 2017. By the order impugned the application under Order 39 Rule 7 of the Code of Civil Procedure at the instance of the defendant stood allowed.

2. Learned Advocate appearing for the petitioner submits that the petitioner herein filed an application for supply of water. In aid of such application, an application for local inspection was filed which was allowed and local inspection was held. He submits that upon being satisfied with the fact that the petitioner was not having supply of water, the application under Section 151 at the instance of the petitioner was allowed previously. Learned Advocate for the petitioner submits that the present application is not warranted in the facts of the case at hand.

3. It is, however, not in dispute that when local inspection was held earlier one room which is in the possession of the petitioner herein was closed and such room could not be inspected. The dispute is whether the plaintiff was having supply of water. Learned Trial Judge was of the view that local inspection is necessary for the purpose of adjudication of the disputes between the parties. The learned trial Judge allowed the said application by assigning cogent reasons.

4. For such reasons, this Court is not inclined to interfere with the impugned order.

5. Accordingly, CO 2614 of 2025 stands dismissed.

6. There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)