

Sl.26
06.08.2025
Court No.6
BP

C.O. 2771 of 2025

Tapas Kumar Dutta
-versus-
Bireswar Dutt Estates Private Ltd.

Mr. Saurabh Guha Thakurta
Mr. Abhratanu Sarkar
Mr. P.P. Das
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no.18 dated June 11, 2025 passed by the learned Judge, 4th Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 320 of 2022.

By the order impugned the application under Order 39 Rule 7 of the Code of Civil Procedure stood allowed and a Commissioner was appointed for holding inspection on the points as stated in the petition dated 27th January, 2025 except point no. (i).

The learned advocate appearing for the petitioner submits that the application for local inspection was filed only for the purpose of collecting evidence which is not permissible. He submits that the allegations made in the application for local inspection is verbatim similar to the allegations made in the plaint.

The opposite party herein filed a suit for eviction on the grounds enumerated under Section 6 of the West

Bengal Premises Tenancy Act, 1997. After going through the averments made in the plaint this Court finds that the opposite party has alleged that the petitioner has made unauthorized addition and alteration in the suit premises without taking consent from the opposite party landlord.

After going through the schedule of the application for local inspection this Court finds that the inspection on the points excepting point no.(i) is necessary for the purpose of deciding the dispute involved between the parties. The points on which the local inspection was sought for and allowed by the learned trial judge cannot be proved either by way of oral or any documentary evidence. The learned trial judge was right in allowing the said application. Learned trial judge allowed the application by assigning cogent reasons in support of the ultimate conclusion.

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

Accordingly C.O. 2771 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.)