

11.08.2025
Item No.27.
Court No.06.
S. De
265719

C.O. 2869 of 2025

Chandan Bakshi.
Vs
Sajal Das & Ors.

Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Abirlal chakravorty,
Mr. P. Lakhatia, ...for the petitioner.

Mr. Sourav Sen, Sr. Adv.,
Mr. Shamba Chakraborty,
Ms. Adrisnata Chakraborty,
Mr. Abhiraj Tarafadar, ...for the respondent no.1.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against the order dated June 26, 2025 passed by the learned Civil Judge (Sr. Divn.) 5th Court, Alipore in Title Suit No.504 of 2021.

By the order impugned, the learned Trial Judge has kept the application under Order 26 Rule 9 of the Code of Civil Procedure in abeyance to be heard and considered after the evidence is led by the parties.

Mr. Chatterjee, learned senior advocate appearing for the petitioner submits that considering the nature of the disputes involved between the parties in the suit, a local investigation is absolutely necessary.

Mr. Sen, learned senior advocate appearing for the opposite party submits that considering the nature

of the disputes between the parties, local inspection is not necessary as the disputes between the parties can be proved by way of oral and documentary evidence.

However, after going through the impugned order, this Court finds that the learned Trial Judge has not decided the said application but kept the same in abeyance with liberty to the plaintiff to move the said application at the appropriate stage. To the mind of this Court, the petitioner cannot have any reasons to feel aggrieved by such order as the application has been kept in abeyance to be heard and considered after the evidence is led by the parties.

With the above observations, C.O. 2869 of 2025 stands disposed of without interfering with the order impugned but by preserving the liberty granted to the plaintiff by the impugned order.

(Hiranmay Bhattacharyya, J.)