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**10.02.2025**  
Ct. No.22  
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IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE

**CO 3318 of 2019**

Sri Sri Mrinmoyee Mata Thakurani Subhankari Lal  
Jew Mahaprabhu Jew, Shyam Lal Thakur Jew,  
Radhashyam Thakur Jew represented by  
Paricharaks/Trustees Sri Parthasarathi  
Singhadeb & Ors.  
Vs.  
Alpana Singha Thakur & Ors.

Mr. Sanjay Mukherjee  
... For the petitioners

1. Affidavit of service filed in Court today is taken on record.
2. In spite of service, none appears on behalf of the opposite parties.
3. The instant revisional application has been filed by assailing the order dated 6<sup>th</sup> September, 2019 passed in connection with Title Suit No.102 of 2018 wherein the learned Civil Judge (Junior Division), Bishnupur, allowed the prayer of an application under Order XXXIX Rule 7 of the Code of Civil Procedure (in short, 'CPC').
4. Learned counsel appearing on behalf of the petitioners has submitted that the suit was filed by the petitioners/plaintiffs with a prayer for declaration of permanent injunction and the application under Order XXXIX Rule 7 of the CPC filed on behalf of the defendants/opposite parties herein relates to fishing out

of evidence. It is submitted that in the application under Order XXXIX Rule 7 of the CPC, the defendants made a prayer for inspection of so many points which are exclusively for the determination during evidence. That apart, it is submitted that the learned Judge did not consider the points for inspection at all by mentioning the same in his order impugned.

5. On scrutiny of the order impugned, I find that the learned Judge recorded his finding only in the following manner:-

“... On perusal it is my view that the present petition filed by the contesting defendants required to be allowed. It is my view that for proper adjudication and to get the clear picture of the locale this present petition required to be allowed.”

6. Learned Trial Judge in disposing of an application under order XXXIX Rule 7 of the CPC is absolutely insufficient and cryptic.

7. In the aforesaid view of the matter, the order impugned dated 6<sup>th</sup> September, 2019 stands set aside.

8. Learned Trial Judge is requested to re-hear the application under Order XXXIX Rule 7 of the CPC after giving an opportunity of hearing to both the parties and pass a reasoned order.

9. With the aforesaid observation, the revisional application stands disposed of.

10. Interim order, if any, stands vacated.

11. Connected application, if any, also stands disposed of accordingly.

10. Learned counsel appearing on behalf of the petitioners is at liberty to bring this order to the notice of the learned Trial Court, forthwith.

11. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

12. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

**(Bibhas Ranjan De, J.)**