

S/L 2
02.04.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2852 of 2023
[Assigned]

Smt. Sumita Basu
Vs.
Sri Surajit Ghosh

Mr. Abhisek Banerjee

...for the Petitioner.

The defendant in a suit for eviction is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the order dated March 15, 2023 passed by the 4th Court of learned Civil Judge (Junior Division) at Howrah in the said suit being Title Suit No.994 of 2018.

The petitioner has alleged that during the pendency of the suit, the plaintiff, to obstruct the free access of the petitioner to the suit shop room has put up a construction in front of it and to prove the said allegation, had prayed local inspection of the suit property by filing an application under Order XXXIX Rule 7 of the Code of Civil Procedure. The learned Trial Judge by the order impugned has dismissed the said application.

The tenancy of the petitioner is not protected by any rent control legislation inasmuch as it is governed by the provision of the Transfer of Property Act, 1882. The peremptory hearing of the suit has commenced, at this stage, the learned Trial Judge has rightly dismissed the application on the ground that no useful purpose would be served by holding such inspection.

C.O. 2852 of 2023 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)