

11 **09.09.
2025**

Ct. No. 06

Ab

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION.**

CO 3306 of 2025

Rina Halder and others

Vs.

Smt. Suvra Palit.

Mr. Ashis Das,

Mr. Srikrishna Samanta.

... for the petitioners.

Mr. Ayanava Bhattacharya,

Ms. Dipanwita Ganguly.

... for the opposite party.

1. This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order being no. 130 dated 31st July 2025 passed by the learned Civil Judge (Junior Division), 2nd Court, Alipore in Ejectment Suit No. 218 of 2010.
2. By the impugned order, an application for local inspection filed by the defendants/petitioners herein stood rejected.
3. Learned Advocate appearing on behalf of the petitioners submits that the eviction suit was filed sometimes in the year 2010, inter alia, on the ground of default and reasonable requirement. The commission in respect of the suit premises was held sometimes in the year 2013. He submits that the suit property is a self-contained flat situated on the first floor of the suit building and in the year 2019, the plaintiff/opposite party herein became the absolute owner of a self-contained flat in the ground floor of the said building. He further submits that the opposite party herein acquired exclusive right, title and interest in respect of the ground floor flat after the earlier commission was held and in order to decide the dispute involved in the instant suit, a fresh commission of the ground floor flat is

necessary.

4. Heard the learned Advocate for the opposite party on such submission.
5. After going through the materials on record including the Commissioner's report, this Court finds that the Commissioner's report reflected in details the accommodation of the plaintiff/opposite party as well as the defendants/opposite parties. It is not in dispute that no objection to the said Commissioner's report was filed by the defendants/petitioners herein. Whether the plaintiff/opposite party herein became the sole and exclusive owner of the ground floor flat has to be considered at the time of final hearing of the suit.
6. The purpose of holding local inspection is to ascertain the accommodation available in the building as well as the portions in respect of which the plaintiff and defendants are in possession. Since it is not in dispute that the ground floor flat, which is the subject matter of the present application for local inspection was already inspected and the Commissioner has submitted a report with regard to the said flat, this Court is of the considered view that there is no necessity to conduct a fresh commission in respect of the ground floor flat, on the points as sought for by the defendants/petitioners herein.
7. Learned trial Judge assigned cogent reasons for rejecting the application for local inspection. This Court is not inclined to interfere with such order. Accordingly, CO 3306 of 2025 is dismissed.
8. There shall, however, be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Hiranmay Bhattacharyya, J.)

