

D/L- 27
17/09/2025
Ct. No.-6
Aritra

C.O. 3437 of 2025

**Sukumar Ghosh & Ors.
Vs.
Sadhan Ghosh & Anr.**

Mr. Snehansu Majumder

....for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order being No.10 dated April 9, 2025 passed by the learned Civil Judge (Jr. Div.), 1st Court at Krishnagar, District-Nadia in Title Suit No.37 of 2023.

By the order impugned the application under Order 26 Rule 9 of the Code of Civil Procedure stood rejected.

After going through the points of local investigation, this Court is of the considered view that if the prayer for local investigation made by the petitioner on such points is allowed the same would amount to collecting evidence which is impermissible as rightly observed by the learned trial judge. However, considering the fact that the instant suit is a suit for mandatory injunction, it would be open to the petitioner to take out an appropriate application in accordance with law. If such an application is filed, the learned trial judge shall consider and dispose of the same by passing a reasoned order after giving an opportunity of hearing to the opposite parties in accordance with law.

In view thereof, CO 3437 of 2025 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)