

D/L- 15
26/09/2025
Ct. No.-6
Aritra

C.O. 3627 of 2025

**Chittaranjan Sardar & Ors.
Vs.
Sri Shankar Sardar & Anr.**

Mr. S.T. Mina
Mr. P. Sardar

....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 dated May 6, 2025 passed by the learned Civil Judge (Jr. Div.), 2nd Additional Court at Alipore in Title Suit No.175 of 2021.

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

The learned advocate appearing for the petitioners submits that for the purpose of identification of the suit property the local investigation is necessary.

The petitioner filed a suit for declaration that they are the lawful owners of the suit property and for a further declaration that the defendants are strangers and are living there as a licensee and for a further declaration that the alleged deed of partition is void and for eviction of the defendants on the grounds of revocation of lease. Whether the defendants are strangers and are living as licensee and are liable to be evicted on revocation of license has to be proved by oral and documentary evidence. The issue as to

whether the deed of partition is a void one also has to be proved by oral or documentary evidence.

It is well-settled that local investigation can be allowed if there is a boundary dispute between the parties.

This Court does not find that there is any boundary dispute between the parties. A simpliciter suit for eviction of a licensee and for declaration that the partition deed is a void one can be decided on the basis of the oral and documentary evidence. Local investigation is not necessary for the purpose of elucidating any matter involved in the said suit. That apart, an earlier application under Order 39 Rule 7 of the Code of Civil Procedure on the self-same ground has already been rejected.

For all the reasons as aforesaid, this Court is not inclined to interfere with the order impugned.

Accordingly, CO 3627 of 2025 stands dismissed.

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.)