

06.01.2025
Item No.58 with 59
Ct. No.26
CHC

**RVW 328 of 2024
IA NO: CAN/1/2024
CAN/2/2024**

**Sri Sambhu Chorone Roquitte
Vs.
Sri Parbati Chorone Roquitte
in
F.M.A. 1503 of 2017**

Mr. Saurabh Guha Thakurata, Advocate
Ms. Nilanjana Sarkar, Advocate
Mr. Abhratanu Sarkar, Advocate
....for the review applicant

Mr. Souradipta Banerjee, Advocate
Ms. Fatima Hassan, Advocate
...for the alleged contemnor/respondent

1. Review is directed against the order dated August 21, 2024 passed in CPAN 959 of 2024.
2. Contempt petition being CPAN 959 of 2024 was filed alleging that, the alleged contemnor violated the existing order of status quo. In such contempt petition, we did not find any violation to be committed by the alleged contemnor warranting invocation of Article 215 of the Constitution of India or the provisions of the Contempt of Courts Act, 1971.

3. In the review proceedings, we appointed Joint Special Officers to inspect the property in question and submit a report.
4. Joint Special Officers submitted report which was taken on record.
5. Learned advocate appearing for the review applicant refers to the report of the Joint Special Officers and in particular to the notings in respect of shop-room no.1 and shop-room no.2. He submits that, there is a change of tenancy in respect of those two shop-rooms.
6. We perused the report of Joint Special Officers in regard to the two shop-rooms. Report of the Joint Special Officers does not conclusively establish that there was a change of tenancy in any of those two shop rooms. Joint Special Officers did not identify any new person to be the tenant in respect of any of the two shop-rooms.
7. Learned advocate appearing for the review applicant submits that, the private parties should be directed to produce the tenancy agreement.
8. With respect to it for the review applicant to substantiate its case through cogent evidence. Court cannot be called upon to undertake a roving enquiry more so, when the Joint Special Officers appointed by the Court did not find any material in support of the contention of the review applicant. Significantly

the Joint Special Officers are the advocate-on-record of the respective parties.

9. In such circumstances, we find no merit in the review application.

10. RVW 328 of 2024 along with connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)