

19.11.2025
SL No.20
Court No.6
(gc)

CO 3930 of 2025

**Smt. Sumita Sikder
Vs.
Smt. Krishna Das & Anr.**

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya,
Ms. Poulomi Saha,
Ms. Shravani Ghosh

...for the Petitioner.

Ms. Neha Roy

...for the Opposite Parties.

1. This is an application challenging an order dated 9th July, 2025 passed by the learned Civil Judge (Sr. Division), 3rd Court, Barasat, North 24 Parganas in T.S. No.356 of 2015. By the order impugned, the learned Court rejected the Commissioner's report and directed the Commissioner to file a further revised report. The learned Court was of the view that the Commissioner had committed certain errors in the report. Upon perusal of the report and the related documents and also the case records, it was evident to the court that the measurement of the suit property in the report and in the map was different. The rough sketch map in the field note was different from the final map prepared by the Commissioner. The bath and the privy as designated to the defendant no.2 were missing. Moreover, the Commissioner had also reported

that the defendant no.1 along with the plaintiff was required to give owelty money to the defendant no.2. However, as per the report, the defendant no.1 had not been allocated anything more than his share, so the question of giving owelty money to the defendant no.2 would not arise. Further, no explanation had been given by the Commissioner with regard to the deficit quantum of land which was evident in his report and in his cross-examination. Finally, in the opinion of the Court, the way in which the common passage had been allocated and partitioned by the Commissioner, the defendant no.2 would not have access to the property. Under such circumstances and with these observations, the report was rejected.

2. I do not find any irregularity in the order passed by the learned Court below. The findings are factual. This Court, as the supervisory Court, cannot sit over the factual findings of the learned Court below.
3. Accordingly, the civil revisional application is dismissed.
4. There shall be no order as to costs.
5. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)