

11.02.2025

Sl. No.: 23
Court No.30
BM

C.O. 3969 of 2024

Sree Nagendra Patra & Ors.
Vs.
Sree Bhaanu Bera

Mr. Amitava Raha

... for the petitioners

1. Affidavit of service filed shows that service could not be effected upon the opposite party in spite of the fact that the address given was the address in the pleading before the trial court. The endorsement on the service return shows that the addressee could not be located.
2. Let the affidavit of service be kept with the record.
3. The present revisional application has been preferred against the order No.46 dated 30th August, 2024 passed by the Civil Judge, Junior Division, 2nd Additional Court, Contai in T.S No.130 of 2019.
4. By the order under revision under challenge the trial court rejected the plaintiff's application under Sections 151, 152 and 153 praying for recall of order No.46 dated 30.08.2024.
5. It appears that there is a dispute regarding the valuation of the suit property and the relief claimed for before the trial court.

6. Considering the materials on record, the trial court has referred the matter to the concerned ADSR to give his report and opinion in respect of the valuation of the suit property and the said report is awaited by the court.

7. The court has kept the application under Order 26 Rule 9 of CPC filed by the plaintiff for hearing on a later date.

8. It appears that by the said application under Order 26 Rule 9 CPC, the plaintiff had also prayed for valuation of market value of the said property.

9. Considering that the report of the ADSR when filed shall settle the matter as to valuation and the market value of the suit property, the court should make all endeavour to ensure that the report by the ADSR is filed at the earliest and decide the issue.

10. As the relief as prayed for in the application under Order 26 Rule 9 of CPC is similar (to assess the valuation/market value of the suit property) the application under Order 26 Rule 9 of CPC being infructuous is rejected.

11. Trial court to proceed with the suit expeditiously without granting any unnecessary adjournment to either side.

12. The revisional application stands disposed of.

13. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)