

27.01.2025
Item No.6
PG
Ct. No.7

C.O. 3998 of 2024
Shri Nemai Chandra Mondal
Vs.
Smt. Basanti Kashyapi & Ors.

Ms. Debjani Ghosal.....for the petitioner

1. The petitioner has challenged the order dated September 13, 2024 passed by the learned Civil Judge (Junior Division), 1st Court at Chinsurah, Hooghly Sadar in Title Suit No. 189 of 2010.
2. By the order impugned, the application under Order 26 Rule 9 of the Code of Civil Procedure at the instance of the petitioner stood rejected and the date has been fixed for arguments.
3. Learned advocate appearing for the petitioner submits that the petitioner has prayed for holding local investigation for the purpose of effective adjudication of the disputes involved between the parties.
4. This Court finds that the petitioner has prayed for declaration of his title and for permanent injunction in respect of the property mentioned in the schedule of the plaint.
5. The learned trial Judge took note of the admission made by the plaintiff in his cross-examination that the defendant no. 1 is in possession of land

purchased by him and there is no case of encroachment by the defendant no. 1.

6. After going through the points of local investigation, this Court is of the considered view that the same is not required for the purpose of elucidating any matter in dispute.
7. The points on which the local investigation has been prayed for can be proved by documentary evidence. This Court finds that the petitioner is trying to fish out evidence by filing the application for local investigation, which is not permissible in law.
8. The learned trial Judge has assigned cogent reasons for rejecting the application for local investigation.
9. In view thereof, this Court is not inclined to interfere with the impugned order.
10. Accordingly, C.O. 3998 of 2024 stands dismissed.
11. There shall be, however, no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)