

13.05.2025
Item No. 20
Ct. No. 30
AN

CO 4045 of 2024

**Sk. Hasibul Ahamed Alias Sk. Rawsan Ali
vs.
Sri Dipak Kumar Das & ors.**

Mr. Sandip Kundu

... for the petitioner

Mr. Soumak Bhattacharya
Mr. Samaresh Chandra Dhara

... for opposite party no. 1

The present revisional application has been preferred against order no. 363 dated May 17, 2024 passed by the learned Civil Judge (Junior Division), Additional Court, Purba Medinipur in Title Suit No. 57 of 1996.

Vide the said order under revision, the learned trial court on hearing the parties and by passing an extensive reasoned order accepted the report filed by the Survey Commissioner under Order XXVI Rule 9 Civil Procedure Code.

The petitioner/defendant being aggrieved has preferred this revisional application and also filed a supplementary affidavit annexing the L.R. Acquisition Map and has placed his case on the point that the said map was not referred to by the Survey Commissioner and the trial court erroneously did not accept the argument of the petitioner and accepted the report.

On perusal of the materials on record, it appears that **the present suit is of the year 1996** and the trial court has clearly held at page 6 of the order at paragraph (a) that the learned Advocate Commissioner has perused the information slip of the Special Land & Land Acquisition Collector and after relayment, he found that 25 decimals of land have been acquired in plot no. 292 and the Court has held that the relayment was done.

Learned counsel appearing for the petitioner has relied upon the evidence adduced before the Court at page 101 of this revisional application.

On the other hand, learned counsel for the opposite party/plaintiff has brought to the notice of the Court the evidence recorded at page 106, wherein it has been clearly noted as follows:

“12) I have consulted with the acquisition map at the time of giving answer of direction no. of the petition of defendant no. 1.

13) In my report it has been mentioned that after consulting with acquisition map I have prepared my report.

14) I have submitted the acquisition map alongwith my report before the court.”

On considering the materials on record, the evidence relied upon by the parties and the reasoned order passed by the learned trial court, this Court finds that the order under revision being in accordance with law requires no interference.

CO 4045 of 2024 is **dismissed**.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)