

17.02.2025

Sl no. 24

Ct no. 30

P.M.

Dulal Golder

CO 4053 OF 2024

Sunil Mondal & Anr.

- Vs -

Mr. Satyam Mukherjee,
Ms. Sayani Ahmed,
Mr. Purenendu Shekhar Ghosh
... for the Petitioners

The present revisional application has been preferred against the order impugned being Order No. 63 dated 13.08.2024 passed by the learned Civil Judge, Junior Division, 2nd Court at Barasat, North 24 Parganas in Title Suit No. 32 of 2013.

By the said order under challenge the Trial Court has been pleased to reject the defendants/petitioners prayer under order 26 Rule 9 of the Code of Civil Procedure on the ground that the petitioners herein could not make out any case which required a local investigation.

Considering the nature of relief as prayed for service is dispensed with.

It is submitted by the learned counsel appearing for the petitioners that description of the 'B' schedule property from which the plaintiff has prayed for eviction of the petitioner is not correct.

It is submitted that he is in possession of 3 decimals of land and not 540 sq. ft. as stated by the plaintiff.

It is further submitted that he has acquired the right in respect of the said 3 decimals from a separate raiyat.

Considering all these facts, this Court finds no reason to interfere with the order under revision at this stage the same in accordance with law.

Considering the case as made out, the petitioners/defendants are at liberty to file a counter claim if deemed necessary in the suit within 30 days from the date of this order.

This revisional application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Shampa Dutt (Paul), J.)