

28.01.2026
Item No.36
BR

CO 911 of 2022
Nabadoy Club (Sangha) and Ors.
-vs-

Buddhadeb Chowdhury and Ors.

Mr. Subhajit Saha ,
 Mr. Aniket Chowdhury,
 ... for the petitioner

1. The petitioner has challenged the order passed by the trial Court dated 5.3.2022 allowing the petitioners application under order 26 Rule 9 Civil Procedure Code in a suit for declaration and permanent injunction.
2. On hearing the learned counsel appearing for the parties and on perusal of the materials on record including the application under Order 26 Rule 9 CPC this Court finds that the points for investigation are clearly the points by which evidence is sought to be fished out.
3. It appears that points required to be investigated are

matters which are to be considered by the Court by way adducing evidence. The said point did not require any investigation in the present case.

4. It further appears that the trial Court without recording any reasons as to why any investigation in the present case is required/necessary has allowed. Thus the said application.
5. The order of the trial Court being not in accordance with law and is set aside.
6. The application under Order 26 Rule 9 CPC in view of the observations made above stands rejected, the same being not necessary for proper adjudication of the suit. If such an application is allowed in a suit, the same shall prejudice the opposite parties in the present case.
7. Civil revision 911 of 2022 stands disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be given to the

learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)