

18.05.2026

Ct. no.7.
Sl. No.12

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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction
Appellate Side

C.O. 14 of 2026

Amitabha Dutta @ Amitava Datta
Vs.
Achinta Dutta & Ors.

Mr. Kunaljit Bhattacharya,
Mr. Haider Ali,
Mr. Alok Sah,
Mr. Satyam Sarkar

... for the petitioner.

Mr. Bikramaditya Ghosh,
Mr. Mayank Bhandari,
Mr. Ved Rai,
Mr. Binayak Bandopadhyay

....for the opposite party nos.1 & 2.

1. The order impugned is passed in an application under Section 151 of the Code of Civil Procedure, 1908 by the defendants for a direction upon the plaintiff to clean the drain which the plaintiff contends to be beyond the suit property.

2. The local inspection does not throw any light as to whether the drain in question is part of the suit property. However, from the sketch map annexed to the report of the Advocate Commissioner, it appears that the drain is adjacent to the suit property but may not be within the same.

3. Instead of going into the intricacy of the matter since this is a partition suit and the opposite

parties-defendants claim that the drain-in-question caters the need of all the co-owners of the suit property, the blockage directed to be cleared by the plaintiff is reversed by permitting the defendants to clean the same and the plaintiff shall cooperate with the defendants in cleaning the drain.

4. Nothing further remains to be adjudicated in this revisional application. The same is accordingly disposed of.

5. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking

(Arindam Mukherjee, J.)