Court No. 6
(265719)

14.10.2026
(AD 31)

(S. Banerjee)

CO 3731 of 2026

Ramen Biswas
Vs.
Biman Biswas & Ors.

Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 and is directed against order no. 20 dated September 11, 2026 passed by the learned Civil Judge (Sr. Division), Tehatta, Nadia in Title Suit No. 229 of 2022. By the order impugned the application under Order 39 Rule 7 of the Civil Procedure Code stood rejected.

Mr. Sanyal, learned advocate appearing for the petitioner submits that the plaintiff sold more than his entitled share in the suit property to the third-party and he has no right, title and interest in the suit property. He submits that the suit is liable to be dismissed.

The plaintiffs filed an application under Order 39 Rule 7 of the Civil Procedure Code praying for appointment of an Advocate Commissioner to hold local inspection of the suit property on several points

including as to whether any obstruction by lock or brick wall is present in front of the doors of the rooms on the ground floor, first floor and 2nd floor of the dwelling house situated over the suit property.

At this stage it would be relevant to take note of the order dated November 11, 2025 passed by the learned trial judge on an application under Section 151 of the Civil Procedure Code praying for police help. The learned trial judge was not inclined to pass any order at that stage unless the contentions of the plaintiff are proved beyond doubt. Accordingly, the learned trial judge kept the application under Section 151 of the Civil Procedure Code with the record with liberty to the plaintiff to pray for local inspection of the suit property.

On a query of the Court Mr. Sanyal, learned advocate appearing for the petitioner, in his usual fairness, submits that such order has not been challenged by the petitioner.

Record reveals that pursuant to the said liberty granted by the learned trial judge the instant application under Order 39 Rule 7 of the Civil Procedure Code has been filed and the learned trial judge upon considering the points of local inspection held that a local inspection is necessary to bring the true picture before the Court for the purpose of proper decision. The learned trial judge assigned

cogent reasons in support of the ultimate conclusion. For such reasons, this Court is not inclined to interfere with such order.

Accordingly, this civil revisional application stands disposed of with the aforesaid observations.

(Hiranmay Bhattacharyya, J.)