

**Present : Smt. Bristi Bardhan J.O. Code: WB01490**

**T.S. 35 of 2018**

**CIS No. 35 of 2018**

**Order No. 25**

**05.01.2024**

Today is fixed for hearing of local inspection petition dated 21.08.2018.

Both parties file hazira.

Now, the petition dated **21.08.2018** is taken up for hearing.

The petition dated 21.08.2018 is a petition of **Local Inspection.**

Ld. Advocate for the Plaintiff states that this local inspection is necessary as the Defendants No. 1, 2 and 3 are trying to change the nature and character of the suit plot being dag no. 428 and 429. The Plaintiff had also prayed that the Defendants are restraining the peaceful possession of the Plaintiff upon the suit plot.

Ld. Advocate for the Defendant states that this is a Title Suit and the dispute is between a registered Deed of Gift and the oral Hibanama which will declare the title upon the suit plot. Therefore, there is no necessity of a local inspection as it will only delay the proceeding of the suit.

Considering the submissions of the Advocates, the Court finds that --

1. The ad-interim injunction upon the suit plot being dag no. 428 and 429 was **refused twice** vide **Order No. 02 dated 21.02.2018** and **Order No. 05 dated 05.03.2018.**
2. Since, the ad-interim injunction is **REJECTED**, there is **no question** that the Defendants will change the nature and character of the suit plot.
3. Also, no question arises upon the fact that the Defendants no. 1, 2 and 3 are restraining the peaceful possession of the Plaintiff over the suit plot.
4. Even, the Plaintiff had not prayed for a local inspection twice he had filed ad-interim injunction petitions.
5. Thus, the Court finds that there is no necessity or

urgency on the part of the Plaintiff to pray for a local inspection.

Hence, it is

**ORDERED**

that the Local Inspection Petition dated **21.08.2018** is considered and **REJECTED on contest** without cost.

To 07.05.2024 for W/O and W/S by Defendants no. 1, 2 and 3.

Sd/-

Sd/-

Civil Judge (Jr. Divn), Haldia

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