

J.O. Code: WB1357
J. Misc. (Pre emption) 40 of 2021
CIS No. 40 of 2021

Order No. 12
19.05.2023

Today is fixed for passing order in respect of local inspection petition filed by the O.P. on 10.05.2022.

Both parties filed hazira.

The Ld. Advocate for the O.P. submitted that he has filed this instant local inspection petition to bring before this court the picture that the O.P. is possessing his specific and well-demarcated portion. Therefore, he prayed for allowing of this local inspection petition.

Ld. Advocate for the petitioner raised strong objection against the petition of the O.P. and submitted that he O.P. has filed this instant petition only to collect evidence. Therefore, the petition should be rejected.

Heard both sides.

Perused the petition and other materials on record, this Court is of opinion that the fact which can be later proved by evidence, no local inspection can be granted for bringing the picture of that fact by local inspection. The O.P. is contending that he is possessing a specific and well-demarcated portion. This fact can be proved by the O.P. at the time of trial. Therefore, the local inspection petition cannot be allowed. It is also opinion of the Court that this petition will amount to collection of evidence. Therefore, this Court is not inclined to allow this petition.

Hence, it is

ORDERED

that the local inspection petition U/O 39 Rule 7 of CPC filed by the O.P. on 10.05.2022 is hereby considered and rejected on contest.

To 20.07.2023 for P.H.

Sd/-

Civil Judge (Jr. Divn), Haldia

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