

28.04.2026
Item No.28
Ct. No. 30
Aloke

CO 3213 of 2024

Bhuban Mudi
Vs
Itu Ghosh

Ms. Priyanka Jana
... for the petitioner

Mr. Pulakesh Bajpai
Mr. Tarak Nath Halder
... for the opposite party

1. On consent of the parties, the revisional application is taken up for hearing and disposal.
2. It appears that the present civil revisional application has been preferred challenging Order No. 79 dated 10th June, 2024, passed by the learned Civil Judge (Junior Division), Additional Court at Suri, in Title Suit No. 150 of 2014
3. Vide the impugned order, the trial Court has accepted the commissioner's report under Order 26 Rule 9 CPC, on examination of the learned commissioner. Admittedly, the learned commissioner was examined and cross-examined in full.
4. The only grievance of the petitioner herein is that in spite of such discrepancies shown to the trial Court by way of cross-examination of the witness (commissioner), the trial Court

proceeded to accept the report and marked it as an exhibit without noting their formal objection.

5. The petitioner intends to record formal objection to the said exhibit, for the reason that they may be permitted to argue on the said point at the time of final disposal of the suit.
6. Considering the said facts, let the said point be kept open and the petitioner's 'formal objection' be noted to the said Exhibit.
7. The trial Court will be at liberty to consider the argument of the petitioner in respect of their objection and proceed to dispose of the suit, in accordance with law.
8. Considering that the Title Suit is of the year 2004, the trial Court shall make all endeavour to dispose of the suit expeditiously, preferably within six months from the date of this order.
9. Civil revision is disposed of.
10. Connected application, if any, stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)