

Item 23.03.2026  
No. 31

Ct  
04

RUP

**IN THE CIRCUIT BENCH CALCUTTA HIGH  
COURT  
AT JALPAIGURI  
CIVIL REVISIONAL JURISDICTION**

**C.O. 37 of 2026**

**Shibraj Dutta**

**Vs**

**Sunil Kumar Roy @ Das & Ors.**

Mr. Bikramiditya Ghosh,  
Mr. Mayank Bhandari,  
Mr. Ved Rai,  
Mr. vivek Saha,  
Mr. Binayak Bandopadhyay.

... For the petitioner.

Learned advocates for the petitioner are present.

This revisional application is directed against the order dated 19.02.2026 passed by the Learned Civil Judge, (Junior Division), Alipurduar in Title Suit No. 70 of 2020. The Learned Judge by the said order has refused the prayer of the petitioner/plaintiff for appointment of Commissioner in accordance with Order XXVI Rule 9 of the Code of Civil Procedure.

Upon considering the nature of the suit and upon hearing of the learned advocates for the petitioner this Court is of the view that this application should be admitted. Thus, I admit this revisional application.

Let notice be issued upon the opposite parties within two weeks and affidavit of service be filed.

Let this matter appear in the next available Circuit.

Pending hearing of this application there shall be a stay of all further proceeding in Title Suit No. 70 of 2020 pending before Learned Civil Judge, (Junior Division), Alipurduar for a period of four weeks or until further whichever is earlier.

***(Biswaroop Chowdhury J.)***