

Item No. 32 23.03.2026

Ct
04

RUP

**IN THE CIRCUIT BENCH CALCUTTA HIGH
COURT**

**AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION**

C.O. 40 of 2026

Sri Tarani Kanta roy & Ors.

Vs

Sri Dilip Kumar Roy & Ors.

Mr. Gopal Sah.

... For the petitioners.

Learned advocate for the
petitioners/defendants is present.

Heard learned advocate for the
petitioners/defendants.

This revisional application is directed against the order dated 06.12.2025 passed by the Learned Civil Judge (Junior Division), Jalpaiguri in Title Suit No. 655 of 2023. Learned Trial Judge by the said order has permitted the opposite party nos. 1, 2,3 and 4 to harvest the suit land.

Learned advocate for the
petitioners/defendants submits that the
Learned Trial Judge without considering the
judgment of the Learned Appellate Court about
maintaining status quo and without considering
the issue of possession has permitted the
plaintiffs/opposite parties to harvest the land.

Upon hearing the learned advocates and considering the facts of the case, 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 one week and affidavit of service be filed.

Pending hearing of this application, there shall be a stay of the order dated 06.12.2025 passed by the Learned Civil Judge (Junior Division), Jalpaiguri in Title Suit No. 655 of 2023 for a period of three weeks.

However, this Court is also of the view that as paddy crops is perishable and harvesting cannot be kept in abeyance for an indefinite period and a person having land is entitled to harvest paddy crops for his livelihood, it would be just and proper to appoint a Special Officer to cause an enquiry and ascertain the area of the suit property which is under cultivation and presently under occupation if any of the parties only for the purpose of the harvesting paddy crops.

I thus, appoint Ms. Suman Sehanabis, learned advocate, as Special Officer to conduct an enquiry in the suit property, upon giving

notice both the parties and thereafter taking photographs of the suit property perusing the documents submitted by the parties with regard to the purchase of the seeds and harvest in previous years and to ascertain the area of the property under the occupation of the parties. The Learned Special Officer shall submit a report. Upon causing enquiry, such report shall be made ready within a period of three weeks and shall be submitted before the next available circuit within one week thereafter.

The Special Officer is entitled to remuneration of Rs.6000/- to be paid by the petitioners.

The matter be placed before the next available circuit.

(Biswaroop Chowdhury J.)