

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CO/36/2026

Shri. Sarjeevan Lall

Vs.

Shri. A. Palswamy

Mr. Arul Prasanth ... for the petitioner

Ms. Anjili Nag, Sr. Adv
Ms. Sohini Das ... for the opposite party

July 29, 2026
[SR]
Item No.1

1. Respondent is represented after service. Ms. Anjili Nag, learned senior advocate for the opposite party submits that no new grounds have been taken against the Commissioner's report other than those already taken in the application under Order 39 Rule 7 of the CPC.
2. This Court however notes in the impugned order that three additional grounds have been taken after the Commissioner's report has filed. The defendant-revisionist could not have taken these grounds before the Commissioner's report was filed.
3. In that view of the matter, the impugned order no. 22 dated 02.02.2026 passed in O.S.No.21 of 2024 passed by the Civil Judge Junior Division, First Class-I, Port Blair shall stand set aside.
4. The revisionist defendant shall be entitled to file a comprehensive objection to the report of the Commissioner within a period of seven days from date.

5. The reply, if any, to such objection be filed within three days thereafter. The Trial Court shall hear the objection of the petitioner to the Commissioner's report and pass appropriate final order under order 39 Rule 4 of the Code as expeditiously as possible but not later than 15 days of filing of the objection and hearing of the parties.

6. With the aforesaid observations, CO/36/2026 stands disposed of. There shall be no order as to costs.

7. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)