

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

CO/38/2026

Shri Soma Sundram

Vs

Smti. Seema Adhikari

Mr. Rakesh Kumar ... for the petitioner

July 10, 2026
[AKB]
Item No.18

This revisional application is directed against an order dated June 30, 2026 passed by the learned Civil Judge, Senior Division, Port Blair in Other Suit No. 71 of 2026.

Other Suit No. 71 of 2026 has been instituted by the petitioner seeking, *inter alia*, a decree for eviction of the opposite party and recovery of khas position. In the said suit, the opposite party filed an application under Order 39 Rule 7 of the Code of Civil Procedure, 1908 seeking appointment of a Commissioner for conducting local inspection on certain points mentioned in the application. The said application was disposed by the learned Trial Court by an order dated June 10, 2026 directing the Commissioner to conduct inspection in respect of point numbers (b) and (c) of paragraph 16 of the said application for local inspection.

However, upon conducting inspection, the learned Commissioner has filed a report in respect of all the three points (i.e. (a), (b) and (c)) mentioned in the application for local inspection. Such report of the Commissioner has been accepted by the learned Trial Court by the order impugned.

Mr. Rakesh Kumar, learned advocate appearing for the petitioner submits that the petitioner had filed a written objection to the Commissioner's report. He hands up to Court a copy of the written objection filed by the petitioner against Commissioner's report and submits that the said objection has not even been briefly adverted to by the learned Trial Court while accepting the said.

It is further submitted that the learned Trial Court has by the order impugned, in effect, modified the earlier order directing the Commissioner to conduct inspection only in respect of points (b) and (c) since the Commissioner's report dealing with the point (a) as well has been accepted.

Having heard Mr. Rakesh Kumar, learned advocate appearing for the petitioner and having perused the material on record, this court is *prima facie* satisfied that the learned Trial Court was not justified in accepting the Commissioner's report without dealing with the petitioner's written objection thereto that too in the teeth of the earlier order dated June 10, 2026 whereby the learned Trial Court had specifically permitted inspection only in respect of points (b) and (c) of the application for local inspection.

In such view of the matter, the operation of the order dated June 30, 2026 impugned herein shall remain stayed for a period of six weeks from date.

The petitioner shall serve copy of the revisional application along with notice on the opposite party intimating

the opposite party that the matter shall be listed before the next available Circuit Bench.

The petitioner shall file affidavit-of-service to that effect on or before returnable date.

(Om Narayan Rai, J.)