

TS 80/2015

Order NO. of 01. 08.2022 :-

Both parties are absent without any steps.

None moves on repeated call.

It is now 12:00 noon.

Ld. Advocate Commissioner **Sri Tapas Sinha** by filing a separate petition supported by a notice, returned, from Postal Department addressed to the plaintiff, submitted that the sole plaintiff of this suit has expired.

It is also submitted that his legal heirs are not interested to cooperate with Ld. Advocate Commissioner therefore he could not perform his commission work and submit his report.

Perused the case record.

Considered.

Having heard the submission of Ld. Advocate Commissioner **Sri Tapas Sinha**, it is apparent that the present suit was disposed off in ex parte vide **Order NO. 17 dated 30-03-2016**.

Subsequently upon the prayer of the plaintiff Ld. Advocate Commissioner was appointed for effecting the partition and for final decree.

Considering the pendency of the suit and as per the submission that the sole plaintiff is no more and Ld. Advocate engaged is also reluctant to take steps. Therefore no further time should be extended for submission of report.

Hence keeping in mind the observation of Hon'ble High Court in a judgement reported in **(1988) 1 Cal LJ 199** and also keeping in mind **Order 26 Rule 18 B of CPC**, the earlier order of appointing Ld. Advocate Commissioner being **Order No, 19 dated 24-11-2016** is hereby rescinded and rejected.

As there is no steps taken from the side of the plaintiff, the present case was disposed off in preliminary form and as the petition for final decree / appointment of Advocate Commissioner is also rescinded / rejected. Therefore the present suit be struck off from the Daily Cause List as disposed.

Update CIS.

D & C by me.

Civil Judge(Sr.Divn.),
1st Additional Court,
Burdwan

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J.O.Code-WB01097

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