

Order No.05 Date 22.04.2021

The record is put up today on the put up petition filed by the plaintiff as the plaintiff by filing another petition U/o.39 rule 7 of the CPC has prayed for local inspection on the grounds stated therein.

The petition thus filed today for local inspection is taken up for hearing and consideration.

Heard Ld. Advocate on behalf of the plaintiff who submits that the plaintiff has filed the present suit against the defendants for partition and injunction and for other relief and after hearing the prayer for ad interim injunction, this court has passed order restraining the defendant no.1 from causing any damage to the 'B' schedule suit property or from causing any disturbance into the peaceful possession of the plaintiff in respect of the said schedule property. Despite being aware about such order, the defendant no.1 is continuously raising construction and is blocking the 'B' schedule property and therefore, for proper adjudication of the temporary injunction application, this violation is required to be brought into the notice of this court by way of local inspection on the points as mentioned in the petition. Ld. Advocate on behalf of the plaintiff therefore prays for allowing the present petition.

Perused the instant petition for local inspection and other materials on record.

Considering the submission of the Ld. Advocate on behalf of the plaintiff, I am of the considered view that the petition for local inspection is worth to be allowed in order to bring out the true picture of the 'B' schedule suit property into the notice of this court as ad interim injunction order is existing upon this property and therefore, the actual picture would help this court to adjudicate

properly the application for temporary injunction which is pending and is yet to be disposed of.

The petition thus filed by the plaintiff praying for local inspection U/o.39 rule 7 of the CPC is hereby considered and stands allowed.

Let **Sri Rajesh Banerjee**, Ld. Advocate attached to the local Bar Association be appointed as the commissioner for conducting the local inspection in respect of points as mentioned in the instant petition.

The plaintiff is hereby directed to deposit a sum of Rs.2000/- towards the costs of the commission work.

Writ will be issued after payment of the costs of the commissioner. The Ld. Advocate commissioner is hereby directed to serve notice upon the plaintiff and the defendant no.1 before conducting the local inspection commission and to submit his report immediately before the next date fixed.

To date.

Dictated & corrected by me

*Civil Judge (Sr. Divn.)
Uluberia, Howrah.*

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