

T.S. 2979 of 2017
C.I.S Reg. No. 2979 of 2017.

Order No. 11 dated 26-02-2019:

Parties have filed hazira.

Today is fixed for hearing of the petition under Order XXXIX Rule 7 of C.P.C. wherein the plaintiffs have prayed for local inspection of the suit property for certain reasons more fully described in the said petition.

The petition transpires that the defendant is trying to encroach and change the nature and character of the suit property by excavating foundation of plinth over the suit property. Under such circumstances the learned advocate has prayed before this learned Court to appoint an advocate commissioner to bring the actual picture of the suit property before this Learned Court.

By filing W/O the defendant submitted that the instant suit has been filed on the basis of an illegal partition deed and by such alleged partition deed no effective partition was made amongst the parties to the suit. Further the plaintiffs filed this petition in order to collect evidence and the defendant prayed for the dismissal of the instant petition.

Perused the instant petition for local inspection and heard the submission.

It appears to me that the local inspection is ought to be allowed to bring the clear picture of the suit property before this Court.

Hence, it is,

Ordered

that the petition and the same be allowed.

Let **Miss. Nadiya Yesmin** be appointed as local inspection commissioner in this suit for holding local inspection on the points stated in the petition for local inspection of the petition dated 03-09-2018.

The plaintiff must provide the requisite for such inspection work and pay ₹2000/- to the Learned Commissioner as commission fees by hand within _____.

To **15-06-2019** for commissioner's report.

Dictated by me

Civil Judge(Jr. Divn.)2nd Court,
Paschim Medinipore

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