

J. Misc. Case No. 39 /2022
(C.N.R. no. WBWM02-000858-2022)
(I.A. No. 01/2022)

Order No. 02 dated 21/11/2022:

Record is put up tooday on prayer of the petitioners who pray for moving the petition u/o. 39 Rule 7 of CPC. Let the said petition be registered as IA no. 1/2022 of this suit.

Perused the petition. Heard Learned Advocate for the petitioners on the instant petition.

In the instant petition, the petitioners have prayed for the local inspection of the suit property on the points mentioned in the petition. Ld. Advocate for the petitioners submits that inspite of restraint order passed by this Court, the O.P.s are raising constructions over the suit property for which the petitioners have been forced to file the instant case. Ld. Advocate further submits that if the local inspection of the suit property is not done, the O.P. will complete the construction and it will not be possible for the petitioners to bring the true picture before this Court.

On perusal of the petition and hearing the submission of Ld. Advocate for the petitioners, I think that local inspection of the suit property is very much necessary at this stage in order to properly adjudicate the dispute in question and also to bring the true picture of the suit property before this Court. Hence, the prayer is considered and allowed.

Ld. Advocate **Nadia Yesmin**, is hereby appointed as Ld. Commissioner for the purpose of local inspection of the suit property in this suit. Ld. Commissioner is hereby empowered to enter the suit property as mentioned above and conduct the local inspection as per the points mentioned in this order.

Ld. Commissioner must serve notice upon both the parties before conducting the local inspection.

Both the parties are directed to cooperate with the Ld. Commissioner during inspection.

The fee of Ld. Commissioner is fixed at Rs.3,000/-, which the petitioners shall pay in the hands of Ld. Commissioner at once.

The writ shall be issued only after the payment of the fee of Ld. Commissioner.

Ld. Commissioner is requested to conduct the local inspection without any unnecessary delay and submit the report positively within the date fixed by the Court.

Thus, the instant petition, being I.A No. 1/2022 of this suit is hereby disposed off.

To date (05.01.2023) for Ld. Commissioner's report.

The payment of the Commissioner's fee and issuance of writ in the meantime.

D/C

Civil Judge (Senior Division),
1st Court, Sadar,
Paschim Medinipur.
(J.O. Code WB00816)

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