

T. S. 61 / 18 (Reg. No. 97 / 18)
CNR No. WBBK07-000137-2018
Present : Smt. Jyotsna Roy (J. O. Code WB00933)

Order no. 32 dated 30.04.2022

Today is fixed for further hearing.

Plaintiff files hazira.

Now, the local investigation application filed by plaintiff on 19.04.21 is taken up for consideration.

Heard. Perused the petition and other materials on the case record.

The contention of the petition is that the suit is filed for recovery of possession in respect of the Ga schedule property. Therefore, the schedule property should be surveyed by the Survey Passed Advocate Commissioner u/O 26 Rule 9 and as this present suit is filed for recovery of possession in respect of Ga schedule within Ka Schedule, therefore, it is necessary for local investigation for the purpose of elucidating this dispute.

There is no objection against this application. I think, the local investigation is necessary for proper identification of the property in dispute and for proper and effective adjudication of the suit. The dispute involved in this suit appears to be encroachment of property and as such it is not possible to identify the alleged encroached portion of the suit property in absence of local investigation. Therefore, this court is inclined to allow this application.

Hence, it is,

Ordered

that the application filed by plaintiff for local investigation under Order 26 rule 9 and read with section 151 CPC on 19.04.21 is considered and allowed on contest.

Sri Debnath Ghosh, Ld. Advocate is appointed as Investigating Commissioner and he is directed to make investigation on the points as furnished in the petition after serving notice to the parties and to submit report before this court on the next date fixed. The Ld. Investigating Commissioner is further directed to hold local investigation after proper relayment of the necessary deeds in consultation with the CS/RS map of the suit plot.

Plaintiff is directed to pay a sum of Rs. 3,000/- to the Ld. Commissioner towards the costs of commission works and to hand over a copy of plaint, instant application, CS / RS map and other important documents, if any, to the Ld. Commissioner.

Issue writ accordingly.

To 07.06.22 for report.

Dictated and corrected by me

Civil Judge (Sr. Divn.),
Bishnupur.

Civil Judge (Sr. Divn.)
Bishnupur.

