

EJECTMENT SUIT NO. 278 OF 2004

ORDER NO. 61 DATED 18.04.2016

Today is the date fixed for hearing the petition under Or.39 R.7 C.P.C. dated 11.12.2015 filed by the plaintiff. Defendant has filed written objection. Heard ld. Advocates for both sides. Perused the petition, written objection and the materials on record. Considered.

By filing this petition, plaintiff has stated that he filed an application for local inspection to ascertain the total extent of accommodation available to the plaintiff company in the suit building on earlier occasion. Ld. Advocate Commissioner held the commission and submitted his report. During the pendency of this suit, on 26.12.2010, plaintiff obtained additional accommodation of entire 1st floor and 3rd floor of the front building at 67 Lenin Sarani, Calcutta-700012 and one road-side room. For proper adjudication of the instant suit, plaintiff has filed this petition praying for appointment of an Advocate Commissioner to take the measurement of the additional accommodation in respect of the entire 1st floor and 3rd floor of the front building and one road-side room on the ground floor at premises no.67 Lenin Sarani, Calcutta.

Ld. Advocate for the defendant raised objection. He has submitted that there is no necessity to appoint any new Advocate Commissioner for inspection of the additional accommodation of the plaintiff.

In order to bring the real picture and the entire accommodation of the plaintiff in the suit building, this portion is also required to be inspected by a Commissioner.

Hence, it is ORDERED that the petition under Or.39 R.7 C.P.C. filed by the plaintiff is allowed on contest.

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ORDER NO. 61 contd.

Let Shri/Smt. Biltu Ghosh be appointed as an Advocate Commissioner to hold local inspection in respect of the points as mentioned in the instant petition after service of notice upon both parties to this suit as well as their ld. Advocates and to submit a report thereof by the date fixed.

Plaintiff is directed to deposit a sum of Rs.3500/- towards cost of commission by the date fixed positively.

Fix 23.05.2016 for deposit of commission cost by the plaintiff and further order.

DICTATED AND CORRECTED BY ME,

JUDGE

JUDGE
[5TH BENCH]