

T.S. No. 699 Of 2022. (Regd No. Same)
CNR No. WBWM04-001083-2022
J.O Code- WB01348.

In the Court of Civil Judge (Jr. Divn) 3rd Court, Paschim Medinipur.
Present: Sridip Ballav.

Order No. 19. Dated 12.06.2025.

The case record stand fixed today for hearing on the point of clarification filed by the plaintiff on last 13.08.2024 connected to the petition filed by Ld. Advocate Commissioner Sri Ankur Karmakar dt. 18.07.2024 complaining before this Court that – he was obstructed from carrying out commission works over the suit property as per the order of this Court by the plaintiff of this suit. Today remains also fixed for hearing of the petition filed by the plaintiff dt. 26.11.2024 praying for change of Ld. Advocate Commissioner.

Hazira filed for the plaintiff as well as for the defendants of this suit. Ld. Advocates representing both the sides stand present. One petition has been filed for extension of the ad interim order of injunction from the plaintiff side. Copy served to the other side. Heard Ld. Advocates of both the sides in this regard. Gone through the instant petition. Considered. I find no impediment in allowing this instant petition. Accordingly the petition praying for extension of the ad interim order of injunction stand allowed. Let the ad interim order of injunction be extended up to next date.

Ld. Advocate Commissioner Sri Ankur Karmakar has filed some documents before this Court today, perusal of which reveals that – the said Ld. Advocate Commissioner has returned the commission fees of Rs.4000/- towards the Ld. Advocate of the plaintiff and additionally, Ld. Advocate Commissioner has also returned the writ before this Court today, in filing one petition in this regard before this Court informing this Court that – he has already returned the Advocate Commissioner's fees of Rs. 4000/- and also the writ which he received from this Court in this case record, along with notice, field notices, field diary and sketch map etc. Let all these documents be kept within case record.

One fresh petition stand submitted before this Court today by the plaintiff praying for appointing a new survey passed Ld. Advocate commissioner so as to carry out commission works in light of order of this Court dt. 06.01.2024, in also informing this Court about the fact that – the commission fees of Rs.4000/- has already been returned by the earlier appointed Ld. Advocate commissioner Sri Ankur Karmakar towards the plaintiff sided Ld. Advocate. Let this petition be kept within case record.

I find it prudent so as to take up the hearing today in this case record in presence of both the sides pursuant to petition filed today before this Court by the plaintiff praying for appointing a new survey passed Ld. Advocate commissioner as well as petition filed by Ld. Advocate Commissioner Sri Ankur Karmakar dt. 18.07.2024, clarification filed by the plaintiff dated 13.08.2024 and lastly petition filed by the plaintiff dt. 26.11.2024 praying for change of Ld. Advocate Commissioner.

Heard both the sides with regard to the petitions and clarifications noted above. Perused the said petitions and clarifications. Considered. The matter may be summed up as follows – on last 06.11.2024 this Court has appointed Sri Ankur Karmakar so as to carry

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out commission works over the suit property and Sri Ankur Karmakar has also accepted the writ from this Court in this respect, but while carrying out such Commission works, some disturbances took place because of which Ld. Advocate Commissioner has filed one petition before this Court dt. 18.07.2024 in complaining about the fact that – he has been obstructed by the plaintiff and his accompanying persons so as to carry out commission works over the suit property as per the order of this Court. After this incident, this Court has called for one clarification in this regard from the plaintiff, in answer of which, the plaintiff has submitted a clarification on his part before this Court dated 13.08.2024 in denying all the allegations and aspersions raised against him in this respect. Additionally, the plaintiff has also filed a petition dt. 26.11.2024 before this Court praying for change of Ld. Advocate Commissioner and today also, the plaintiff has filed an almost similar petition before this Court praying for appointing new survey passed advocate commissioner so as to carry out commission works over the suit property. After hearing both the sides and after taking into account the averments of Shri Ankur Karmakar by filing a petition before this Court today, I am of the view that, the matter should not be stretched further regarding the alleged obstruction of Shri Ankur Karmakar by the plaintiff and his associates so as to carry out commission works over the suit property and the clarification submitted by the plaintiff in this regard, since already, the said Shri Ankur Karmakar has returned the writ and the commission fees and best way is to proceed forward by appointing a new survey passed Ld. Advocate commissioner so as to carry out commission works over the suit property in light of order of this Court dt. 06.01.2024.

Accordingly, based on the observations noted above, let the petition filed by Ld. Advocate Commissioner Sri Ankur Karmakar dt. 18.07.2024 and the clarification filed by the plaintiff dated 13.08.2024 be kept within case record being non-est at this stage. At the same time, I am inclined to allow the petition filed today before this Court by the plaintiff praying for appointing a new survey passed Ld. Advocate commissioner so as to carry out commission works over the suit property in light of order of this Court dt. 06.01.2024 along with the petition filed by the plaintiff dt. 26.11.2024 praying for change of Ld. Advocate Commissioner, having found no objection available in this regard from any corner.

Let **Manas Mahapatra**, learned survey passed advocate of Paschim Medinipur Bar Association be freshly appointed as the Survey passed Pleader Commissioner for the purpose of the case.

The parties are further directed to co-operate with the learned commissioner and are directed not to take any sort of adjournments.

Issue writ towards the newly appointed Ld. Advocate commissioner and the fees will be paid to the said newly appointed Ld. Advocate commissioner at the said time by the plaintiff to the tune of Rs. 4000/-.

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The newly appointed learned advocate commissioner on receipt of the writ is requested to do the needful investigation on all points mention in the petition dated 30.08.2023.

The learned commissioner on receipt of writ is requested to ensure that the report is filed without any untoward delay, preferably within the next date.

Fix date **18.09.2025** for report from the Ld. Advocate Commissioner and for hearing of temporary injunction petition.

D/C by me :

Sd/-
Civil Judge (Jr. Divn),
3rd Court Paschim Medinipur.