

Title Suit - 189 of 2025

Order No. 06 dated 04.06.2026

Today is fixed for hearing of the petition u/Or 39 r 7 CPC.

Plaintiff filed hazira.

Defendants No. 1 and 2 filed hazira.

Ld. Advocate for the plaintiffs submitted that in spite of the ad interim order of injunction the defendant Nos. 1 and 2 are desperately tried to change the nature and character of the suit property by engaging labour. The plaintiff also lodged GDE being No. 153 against the defendant. On 18.01.2026 they threatened the plaintiffs with dire consequences. So to ascertain the actual position and to bring the real picture before the Court for proper adjudication of the suit it is necessary that a commissioner for inspection be appointed for investigation of the suit property. Plaintiffs undertake to bear the cost of the commission work. So, a commissioner needs to be appointed for holding local inspection as per the points of the schedule.

Ld. Advocate for the defendant Nos. 1 and 2 raised vehement objection stating that there is a school. The defendant No. 1 has gifted the suit property to the Madrasha who are running the school on the suit property. The plaintiff has no right, title, interest over the suit property. The plaintiff has gifted the property to the defendant and as such she has no right, title, interest over the same.

Heard. Considered.

On careful perusal of the case record, it is seen that the plaintiff has filed some photographs from which it is seen that some construction is going on over the suit property. So this Court finds that amid such controversy an investigation is needed to explore the truth lies behind the curtain for proper adjudication. Therefore, this Court thinks it to be sensible to allow the petition u/Or 39 r 7 CPC dated 21.01.2026. Thus the relief sought for is hereby granted.

Hence, it is

ORDERED

The aforesaid petition u/Or 39 Rule 7 of C.P.C. filed by the plaintiff is hereby allowed on contest without any order as to cost.

That **Sri Souvik Pal**, practicing advocate of this Court, is hereby appointed as Advocate Commissioner to hold commission work at the locale and on the points mentioned in the schedule of the commission petition.

The Ld. Commissioner is directed to serve notice to both the parties to the suit and to submit his commission report by **20.07.2026** positively. Parties are directed to co-operate with the Ld. Commissioner without taking any adjournment on any ground. The cost of the commission work is hereby fixed at **Rs. 2000/- (Rupees Two Thousand) only** payable by the plaintiffs by hand to the Ld. Advocate Commissioner along with the copy of Commission petition on proper receipt.

Writ of the Commission work shall be prepared on submission of receipt of payment of cost of commission work and the documents to the Ld. Commissioner accordingly.

The aforesaid petition u/O 39 Rule 7 of C.P.C. filed by the plaintiffs thus disposed of.

To **19.06.2026** for payment of cost by the plaintiff and issuance of writ.

Dictated & corrected by me

CJ

Civil Judge (Jr.Div.)
Amta, Howrah