

Title suit No.782/2013

Order No.

dated 13.06.2019.

Plaintiff files hazira through his Ld. Advocate.

Defendants also takes step through their Ld. Advocate.

On behalf of the defendants written objection is filed against the application under Section 151 of the C.P.C filed by the plaintiff.

Today is fixed for hearing of the application under Section 151 of the C.P.C filed by the plaintiff.

Heard the Ld. Advocate for the plaintiff who submits that Engineer Commissioner appointed by this court has already submitted report regarding commission of the suit property for partition but there is apparent defect and irregularities appears from the face of the record, stating that alternative two portion of the property wrongly it has been mentioned in a description of the boundaries Ezra Street, Parsi Church and Lower Chitpur Road etc., and also other irregularities. So, plaintiff prays for giving direction to the same Engineer Commissioner for fresh inspection and submit a report without any payment.

Ld. Advocate for the defendants though filed written objection but candidly has submitted that he has no objection if prayer is allowed.

I have carefully gone through the original report submitted by Engineer Commissioner Mr. Rajeev Sarkar. It is a fact that in a description of boundaries alternative two in a Northern Side Ezra Street, Southern Side Parsi Church, Eastern Side Premises No.150 Lower Chitpur Road and Western side also Ezra Street but in schedule of plaint in respect of the boundaries of suit property from which no any connection with Ezra Street, Parsi Church, Chitpur Road. So, in a face of the original report there is defect.

Considered it.

The prayer of plaintiff for recommission stands allowed.

The same **Engineer Commissioner Mr. Rajeev Sarkar** is appointed for fresh inspection of the suit property and submit a report in terms of the defect raise by the plaintiff and submit the same by **07.08.2019.**

The remuneration fees of the same of Engineer is fixed of Rs.2,000/- that to be incurred by the plaintiff.

D/C by me.

Sd/-
Judge 2nd Bench

Sd/-
Judge 2nd Bench
(C.H.Karim)