

Title Suit 919 of 2025

Present: Sri Sanjoy Kumar Das, Judge, Bench-V (WB00627)
Order no. 09//dated-06.02.2026

Today is fixed for hearing of the petition under Order XXXIX Rule 1 and 2 of C.P.C and a petition under Order XXXIX Rule 4 of C.P.C.

Plaintiff filed an application for extension of ad-interim order injunction.

Both sides file hazira also.

Defendant nos. 1 and 3 also filed an application under Order 39 Rule 7 of C.P.C today.

The matter is taken up today for hearing under Order 39 Rule 4 of C.P.C.

During the course of hearing, it is found that it is admitted position that plaintiff is the tenant in respect of the property and the core contention is regarding the area of godown as described in the injunction application.

Therefore, it is expedient to bring the actual picture of the suit property before the court for effective disposal of the application under Order XXXIX Rules 1 and 2 of C.P.C and also the petition under Order XXXIX Rule 4 of C.P.C.

At this juncture, Ld. Advocate for the defendant nos. 1 and 2 though conceded the above view pray for filing formal objection against the application under Order XXXIX Rule 7 of C.P.C.

After considering the entire circumstances, this court is of the view that there is no need to file objection against the application under Order XXXIX Rule 7 of C.P.C which may cause delay.

Accordingly the application under Order XXXIX Rule 7 of C.P.C is allowed.

Chitta Binod Biswas, Ld. Advocate is hereby appointed as Ld. Commissioner.

Ld. Commissioner is directed to hold local inspection commission in respect of the suit property after giving proper notice to both sides and also in presence of both sides in terms of the points mentioned schedule of the local inspection petition and to submit report before this court **10.03.2026**.

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Defendant nos. 1 and 3 are directed to pay Rs.5000/- to the Ld. Commissioner towards the commissioner's cost by hand and file receipt to that effect before this court.

After payment of cost of commissioner writ will be issued.

Defendant nos. 1 and 3 is also directed to serve copy of the local inspection petition and the plaint as well as the injunction application to the Ld. Commissioner.

Fix 10.03.2026 for filing receipt showing payment of cost to the Commissioner.

Ad-interim order of temporary injunction is extended till 10.03.2026.

Let a copy of this order be supplied to the Ld. Commissioner.

D/c by me,

Judge.

Judge, Bench-V,
City Civil Court, Calcutta.