

**In the Court of Civil Judge (Jr. Divn.) Gangarampur at Buniadpur**

**Present: Shri Shahid Parvez**

**Civil Judge (Jr. Divn.)**

**J.O. Code: WB1233**

**P.S 43 of 2022, Regd. No.- 43 of 2022**

**CNR No. WBDD07-000296-2022**

**Order No.- 07**

**13-09-2023**

Today is fixed for W.S by defendant No. 9 steps by the plaintiffs and exparte against the defendant Nos. 1 and 2 and hearing of petition dated 11-04-2023.

Plaintiff and defendant Nos. 5 and 7 files hazira. Ld. Adv of both the said parties are present. Defendant Nos. 1, 2, 8 and 9 filed the petition for adjournment which is considered and rejected since the suit is running exparte against them.

It appears from record that the petition for local inspection u/O 39 Rule 7 of the CPC, filed on 11-04-2023 is pending.

Now the petition for local inspection u/O 39 Rule 7 of the CPC, filed on 11-04-2023 is taken up for hearing. Ld. Adv. of the plaintiff submitted that it is necessary to allow the instant petition for local inspection so that the appointed Ld. Adv. Commissioner on behalf of the Court can visit and see the schedule property and submit the report with regard to the following points :

1. To see and report that whether defendants are changing the nature and character of the property which belongs to the plaintiffs.
2. To see and report whether any pucca construction is going on over suit property.
3. To see and report whether the roof has been constructed or not over the suit property.
4. To see and report whether the grill has been installed or not in the house over suit property and the same has been newly painted.

The court perused the points of the local inspection, from which it appears that the intended points of local inspection is necessary for adjudication of the and the same. However, the point No.1 as mentioned above has been intended for fishing out of evidence. Hence the same is not taken into consideration.

**Hence it is hereby,**

**ORDERED**

**that the petition for local inspection dated 11-04-2023 is considered and allowed in part except Point No.1.**

**Advocate Piyali Mahato is hereby appointed as Ld. Adv. Commissioner.**

**Advocate Piyali Mahato is requested to hold local inspection in respect of the above mentioned points and submit the report on the next date fixed.**

**Plaintiff is directed to pay Rs. 2000/- to the Ld. Adv. Commissioner as the token commission fees towards the inspection.**

**Plaintiff is directed to file the writ.**

**Sherestadar and / DA to issue the writ to the Ld. Adv. Commissioner.**

**Ld. Adv. Commissioner to issue notice to both the parties of the suit before visiting the suit property.**

**Fix 23-11-2023 for submission of the local inspection report and exparte against defendants.**

**D.A to inform the Ld Adv of the plaintiff.**

D/C by me

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