

Misc. Appeal No. 37 of 2025
CNR No. WBHW01 001201 2025

Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 14 dated 08.01.2026.

The application under order 39 Rule 7 of the C.P.C. praying for a local Inspection Commission is taken up for hearing.

Heard learned Advocate on behalf of both sides.

It is submitted on behalf of the appellant that the local inspection of the suit property for the second time is required since the respondents are illegally making construction over the suit property in spite of order of injunction passed by this Court.

On the other hand, by filing written objection, the learned Advocate for the respondents submits that in the report of the local inspection commission, nothing warrants for holding local inspection for the second time. Moreover, it is submitted that in the application the suit property has not been correctly mentioned.

No doubt, the inspection may not be allowed for collection of evidence. However, this Court is of the view that the report of the local inspection commission may be helpful for deciding the instant Misc. Appeal where the appellant has vehemently raised the issue of illegal construction by his neighbours without leaving the required space as per Building Bye Laws of the Corporation.

Having considered all aspects, the prayer for local inspection by appointment of an Advocate Commissioner is allowed.

Learned Advocate Smt. Paromita Lahiri is appointed as Advocate Commissioner for holding local inspection. She is to go to the suit locale after serving notice upon both sides and after receiving writ from the Court.

The appellant is directed to make payment of Rs. 5,000/- to the Advocate Commissioner on receipt.

Fix 09.03.2026 for filing report by the learned Advocate Commissioner.

Let the ad interim order of injunction be extended till next date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.