

Misc. Appeal No. 37 of 2025

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

Order No. 05 dated 28.03.2025.

The record is put up on prayer.

An application under order 39 Rule 7 of the C.P.C. praying for a local Inspection Commission is filed and moved.

It is submitted that in spite of order of injunction passed by the Court, the respondents are making illegal construction in violation of the order. It is also submitted that an inspection of the suit property by an Advocate Commissioner will be helpful for the adjudication of the injunction matter.

None has appeared in this case on behalf of respondents.

It appears to this Court that delay may defeat the purpose of holding local inspection. Hence, an order may be passed without serving notice to the respondents. It is well settled principle of law that an application for local inspection under Order 39 Rule 7 of the C.P.C. may be made at any stage after institution of the case. The Court has perused the points of local inspection.

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

Learned Advocate Samampti Das 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 17.04.2025 for filing report by the Advocate Commissioner.

Dictated & corrected by me.

D. J.

District Judge, Howrah.