

T.S. – 122 / 2001 (C.I.S.136 / 2014)  
(C.N.R. WBHW07- 000 - )

Order No. 137 dated 13.06.2023

Record is put up on the prayer for the plaintiff.

An application under Order 26 Rule 9 C.P.C. is filed by the plaintiffs for appointment of a new survey commissioner as the present survey commissioner is bed-ridden on account of his illness.

The instant petition is taken up for consideration on the presence of the Ld. Advocate of the plaintiffs only as the present suit is being heard ex parte.

Heard the ld. Advocate of the plaintiffs at length.

Perused the instant petition.

Considered.

For the proper adjudication of the present suit, the instant petition filed by the plaintiffs is allowed. Let Sri Himanshu Sinha be appointed as Ld. Survey commissioner in the present suit. The Ld. Survey Commissioner is directed to carry out the survey investigation of the suit properties in terms of the points enumerated in the plaintiff's application u/O 26 R 9 C.P.C. Ld. Survey Commissioner is further directed to serve notice upon the parties prior to holding the inspection work and it is also directed that the Ld. Survey Commissioner shall submit the commission report within thirty days from the date of completion of the commission work. The remuneration of the Ld. Advocate Commissioner is fixed at Rs. 2500/- which is to be borne by the plaintiffs. The plaintiffs are directed to deposit the sum of Rs.2500/- forth with, so that, the writ of commission could be issued to the Ld. Advocate Commissioner at the earliest. The plaintiffs are further directed to supply copies of the relevant documents to the Ld. Survey Commissioner in connection with the commission work.

To date (10.07.2023) for submission of commission report.

D/C by me

C. J. (Jr. Divn.)  
Amta, Howrah  
(JO Code WB 01195)

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