

Title Suit 68 of 2012 (CIS 12 of 2015)

Order No. 81 dated 06.11.2025.

Today is fixed for hearing of the application dated 21.01.2025.

Plaintiff filed hazira.

Ld. Advocate for the plaintiffs submitted that for the ascertainment of mesne profit a valuation commissioner is being appointed. The Valuation Commissioner duly submitted his report on 13.09.2019. But due to some mistake he was directed to file a fresh report. As such on 16.03.2020 the fresh report was filed. On 06.09.2021 the Ld. Court directed the plaintiffs to take fresh step and the report was not accepted. The plaintiffs duly preferred an appeal before the Hon'ble High Court, Calcutta and filed a Case No. CO NO. 2123 of 2021. The order dated 06.09.2021 passed by the Ld. Civil Judge (Jr. Divn.) Amta was set aside and the direction was given for acceptance of the Commissioner Report. The valuation Commissioner sent the notice through registered post to the defendant and the postal receipt was duly filed. Hence the plaintiff prays for acceptance of the report of the valuation commissioner.

Heard. Considered.

After perusal of the record it is seen that the Hon'ble High Court, Calcutta was pleased to pass the order in CO NO. 2123 of 2021 that the valuation given by the valuation commissioner in his report is not illegal or excessive. The order dated 06.09.2021 has been duly set aside by the Hon'ble High Court, Calcutta. As such, the report of the valuation commissioner is required to be accepted as per the direction of the Hon'ble High Court, Calcutta.

Moreover, it is evident that the Ld. Valuation commissioner has duly served the notice and the postal receipt and they were also marked as exhibits. So following the order of the Hon'ble High Court, Calcutta, there is no impediment in proceeding in this matter. So the plaintiff is directed to take step accordingly.

Hence, the application dated 21.01.2025 is allowed and disposed of ex parte without any order as to costs.

Fixing **21.01.2026** for steps.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah

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