

Title Suit - 52 of 2025

Order No. 04 dated 01.07.2025

Today is fixed for hearing of the petition u/Or 39 r 7 CPC dated 06.06.2025

Plaintiff filed hazira along with an application for extension of ad interim order of injunction.

Defendant No. 3 filed hazira.

Ld. Advocate for the plaintiffs submitted that the defendants are violating the ad interim order of injunction and on 08.05.2025 they tried to grab more than their share by making bamboo fence and pucca boundary wall going from east to west with the intention to block the egress and ingress of the plaintiff. The plaintiff lodged GDE being 431 of 2025. So to ascertain the actual position and to bring the real picture before the Court for proper adjudication of the suit it is necessary that a commissioner for inspection be appointed for investigation of the suit property. Plaintiffs undertake to bear the cost of the commission work. So, a commissioner needs to be appointed for holding local inspection as per the points of the schedule.

Ld. Advocate for the defendant No. 3 raised vehement objection.

On careful perusal of the case record, this Court finds that amid such controversy an investigation is needed to explore the truth lies behind the curtain for proper adjudication. Therefore, this Court thinks it to be sensible to allow the petition u/Or 39 r 7 CPC dated 06.06.2025. Thus the relief sought for is hereby granted.

Hence, it is

ORDERED

The aforesaid petition u/Or 39 Rule 7 of C.P.C. filed by the plaintiffs is hereby allowed on contest without any order as to cost.

That **Sri Kushal Patra**, practicing advocate of this Court, is hereby appointed as Advocate Commissioner to hold commission work at the locale and on the points mentioned in the schedule of the commission petition. Ld. Advocate Commissioner is directed to serve notice to both the parties.

The Ld. Commissioner is directed to submit his commission report by 08.09.2025 positively. Parties are directed to co-operate with the Ld. Commissioner without taking any adjournment on any ground. The cost of the commission work is hereby fixed at **Rs. 2000/- (Rupees Two Thousand) only** payable by the plaintiffs by hand to the Ld. Advocate Commissioner along with the copy of Commission petition on proper receipt.

Writ of the Commission work shall be prepared on submission of receipt of payment of cost of commission work and the documents to the Ld. Commissioner accordingly.

The aforesaid petition u/O 39 Rule 7 of C.P.C. filed by the plaintiffs thus disposed of.

To **24.07.2025** for payment of cost by the plaintiffs and issuance of writ.

Ad interim is extended till date.

Dictated & corrected by me

CJ

Civil Judge (Jr.Div.)
Amta, Howrah