

Title Suit - 145 of 2022

Order No. 16 dated 19.02.2025

Today is fixed for hearing of the petition u/Or 39 r 7 CPC dated 16.11.2024.

Both parties filed hazira. Defendant filed an adjournment petition which is not pressed by him.

Plaintiff filed a written objection against the application u/Or 39 r 7 CPC dated 16.11.2024.

Ld. Advocate for the defendant stated that in order 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. Defendant 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 plaintiff 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 16.11.2024. 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 defendant is hereby allowed on contest without any order as to cost.

That **Sri Biplab Dhara**, 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.

The Ld. Commissioner is directed to submit his commission report by 05.04.2025 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 defendant 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 defendant thus disposed of.

To **03.03.2025** for payment of cost by the defendant and issuance of writ.

Dictated & corrected by me

CJ

Civil Judge (Jr.Div.)
Amta, Howrah