

**Title Suit - 76 of 2025**

**Order No. 05 dated 15.09.2025**

Today is fixed for hearing of the petition u/Or 39 r 7 CPC, WS by defendant Nos. 2 to 7 and extension. Plaintiff filed hazira along with a petition for extension of ad interim order of injunction.

Defendant Nos. 1 to 5 filed hazira along with adjournment application for filing WS which is allowed on the ground stated therein.

Defendant Nos. 6 and 7 filed hazira along with adjournment application for filing WS which is allowed on the ground stated therein.

The application u/O 39 R 7 is taken up for hearing in presence of Ld. Advocates of both the parties.

Ld. Advocate for the plaintiffs submitted that the defendant Nos. 1 and 2 are trying to change the nature and character and dispossessing the plaintiff from A schedule suit property by violating the ad interim order of injunction dated 19.05.2025. They have threatened the plaintiffs that they will oust them from the suit property by demolishing their residential houses. 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 Nos. 1 to 5 raised 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 28.08.2025. 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.

The Ld. Commissioner is directed to submit his commission report by 28.11.2025 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 **23.09.2025** for payment of cost by the plaintiffs and issuance of writ.

Fixing **23.09.2025** for filing of WS by defendant Nos. 1 to 7 and WO by defendant Nos. 1 to 5.

Ad interim is extended till **28.11.2025**.

Dictated & corrected by me

CJ

Civil Judge (Jr.Div.)  
Amta, Howrah