

Title Suit 113/ 2021 (CIS - 113/ 2021)
CNR No. - WBHW07 000 of

Order No. 05 dated 15.12.2021

Today is fixed for hearing the application under order 39 Rule 7 CPC and the application under section 151 CPC filed by the plaintiffs.

Both parties are present.

The application under order 39 Rule 7 CPC is taken up for consideration first.

Heard the Ld. Advocate of the parties 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 Santanu Ranjan Jana be appointed as Ld. Advocate commissioner in the present suit. The Ld. Advocate Commissioner is directed to carry out the local inspection of the suit properties in terms of the points enumerated in the plaintiff's application u/O 39 R 7 C.P.C. Ld. Advocate Commissioner is further directed to serve notice upon the parties prior to holding the inspection work and it is also directed that the Ld. Advocate Commissioner shall submit the commission report within fifteen days from the date of completion of the commission work. The remuneration of the Ld. Advocate Commissioner is fixed at Rs. 1500/- which is to be borne by the plaintiffs. The plaintiffs are directed to deposit the sum of Rs.1500/- 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. Advocate Commissioner in connection with the commission work.

The instant petition is accordingly disposed of.

Now the application U/s 151 CPC filed by the plaintiffs for enforcement of the ad interim order of injunction dated 07.10.2021 with the assistance of local P.S is taken up for consideration.

Heard the Ld. Advocate of the plaintiffs who submitted that the defendants no. 1 and 2 are violating the order of ad interim injunction passed on 07.10.2021 in the present suit by storing large number of bags full of mud on the suit property for the purpose of filling up suit plot no.s 282 and 283 with the same. It has been further submitted by the plaintiffs that the aforesaid illegal activity being carried out on the suit property by the said defendants was duly brought to the notice of Amta P.S. but unfortunately no action was taken against them. For this reason, the plaintiffs have been compelled to file the instant application and bring the aforesaid matter to the notice of this Court.

On the other hand, Ld. Advocate of the defendants opposed the instant application on the ground that the same is completely false and baseless.

Heard the Ld. Advocates of the parties at length.

Perused the instant application.

Considered.

The claims made under the instant application are quite serious in nature. Accordingly, the O.C. of Amta P.S. is directed to take necessary steps as per law for ensuring that the sanctity of the injunction order passed by this Court on 07.10.2021 is maintained at all costs. The Officer-in-Charge of Amta P.S. is further directed to submit a detailed report in this connection by the date fixed.

Let a copy of this order along with a copy of the order of injunction passed on 07.10.2021 as well as a copy of the plaint be at once forwarded to the O.C. of Amta P.S. for urgent compliance.

To 15.01.2022 for report from O.C. Amta P.S. as well as report of Ld. Advocate Commissioner.

D/C by me

C. J. (Jr. Divn.)

Amta, Howrah

C. J. (Jr. Divn.)

Amta, Howrah