

Title Suit 120 of 23

Order No. 16 dated 05.04.2025

Today is fixed for filing of commission report.

Plaintiff and defendant No. 6 filed hazira.

Plaintiff filed a petition for extension of ad interim order of injunction along with an application for changing of the Ld. Advocate Commissioner.

Ld. Advocate for the plaintiffs stated that Ld. Advocate Smt. Mita Roy has been appointed as an Advocate commissioner in this suit. Earlier she was representing the defendant No. 6 in this suit. So there may be some chance of biasness in holding the local inspection. Hence, the plaintiff prays for changing of the advocate commissioner.

Ld. Advocate for the defendant No. 6 did not raise any objection.

Heard. Considered.

This Court is of the opinion that if this be the case then it will be feasible to change the Ld. Advocate Commissioner in order to avoid any chaos and confusions and also for the ends of justice.

Ld. Advocate Smt. Mita Roy is directed to return the fees paid to her along with the writ.

Hence it is

ORDERED

That the aforesaid petition dt. 05.04.2025 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 05.06.2025 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 **25.04.2025** for payment of cost by the plaintiff and issuance of writ.

Ad interim is extended till 05.06.2025.

Inform the Ld. Advocate Commissioner Smt. Mita Roy accordingly.

Dictated & corrected by me

CJ

Civil Judge (Jr.Div.)  
Amta, Howrah