

Title Suit – 47 / 2021 (C.I.S. 47 / 2021)
(C.N.R. WBHW07- 000 65 -2021)

Order No. 12 dated 15.12.2022

Today is fixed for hearing the application u/O 39 Rule 7 C.P.C. filed by the defendants.

Both parties are present.

The application u/O 39 Rule 7 C.P.C. is accordingly taken up for hearing.

Heard the ld. Advocates of the parties at length.

Perused the instant petition.

Considered.

For the proper adjudication of the present suit, the instant petition filed by the defendant Nos. 1 & 2 is allowed. Let Sri Abhijit Ghosh 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 defendant Nos. 1 & 2 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. 1800/- which is to be borne by the defendant Nos. 1 & 2. The defendant Nos. 1 & 2 are directed to deposit the sum of Rs.1800/- forth with, so that, the writ of commission could be issued to the Ld. Advocate Commissioner at the earliest. The defendant Nos. 1 & 2 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.

At this stage, an application under Order 11 Rule 1 is filed by the plaintiffs.

The instant application is taken up for hearing.

Heard the Ld. Advocate of the parties.

Perused the instant application.

Considered.

Upon perusing the instant application it is the considered view of this Court that for the proper adjudication of the present suit the same should be allowed.

Hence it is,

ORDERED

That the application filed by the plaintiffs u/O 11 R 1 CPC is hereby allowed on contest but without cost.

The defendant Nos. 1 & 2 are directed to furnish the names and particulars of the individuals who are necessary parties in the present suit.

To 15.03.2022 for submission of commission report, as well as for filing answer by the defendant Nos. 1 & 2 to the interrogatory.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

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