

In the Court of Civil Judge (Jr. Divn.) 1st Court, at Baruipur
Present: Debasmita Kundu
Civil Judge (Jr. Divn.)
J.O. Code: WB01404
Misc Case 69/2022
CNR No. WBDD07-000452-2022

Order No.-08,Date: 10.11.2022:

The record is put up today by filing a put up petition stating the reason therein.

Heard the Ld. Advocate. Perused and considering the prayer, the petition is hereby **allowed**.

On 29.09.2022 the petitioner files the local inspection application under Or.39 R.7 CPC along with an application under Section 151 CPC. The same was already kept with the record.

The petitioner filed an application praying for conducting the hearing of the application u/O-39 R-7. Considering the urgency the prayer is allowed.

The record is taken up for hearing the local inspection application filed by the petitioner today.

Heard Ld. Advocate of the petitioner. Perused the application and other materials on record. Considered.

On careful perusal of the materials available in the case record, it appears to me that the present petitioner filed the instant Misc case for violation of the interim order passed by this court against the OP. Furthermore, it is also reflected that there is some dispute regarding nature and character of the suit property which is required to be sorted out by way of holding a local inspection over the same. Therefore, I am of the opinion that unless and until a local inspection of the suit property is conducted by a Advocate Commissioner, the clear picture with respect to the suit property will not come out before this Court. Moreover, in order to adjudicate the vortex of dispute between the parties to the suit, a local inspection of the suit property is absolutely essential.

After considering the submissions of the Ld. Advocate of the petitioner and after considering the case record I do not find any bar to allow the present petition. Accordingly, I am inclined to allow the petition filed by the petitioner.

Hence, it is,

ORDERED

that the application U/O 39 R 7 CPC is considered and **allowed** ex parte but without any cost.

Let Ld. Advocate Sri Subimal Biswas be appointed as Ld. Advocate Commissioner for holding local inspection as per points mentioned in the local inspection application.

The petitioners are directed to pay Rs.2,500/- as commission fee to the Ld. Advocate Commissioner.

The Ld. Commissioner is directed to hold the commission work after due service of notice upon both the parties. He is further directed to observe all legal formalities before starting his commission work. Inform.

Issue writ after payment of commission fee.

D/A to do the needful.

To date (20.01.2023) for commission report and SR/AD.

D/C by me:

Sd/-(D. Kundu)

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