

**In The Court of Civil Judge (Junior Division) Court, Lalbagh.**

**Case No. : Title Suit 453 of 2019**

**CNR No. :WBMD07-000709-2019**

Presided Over : Afshan Nawaz Warsi (J.O. Code : WB01432)  
by Civil judge(Jr. Div), Lalbagh.

**Order No. 11, Dated 21/03/2022**

Today is fixed for hearing of the application under Order XXXIX Rule 7 of C.P.C filed by the plaintiff supported by an affidavit.

Plaintiff files an extension petition.

No step is taken by the defendant.

On perusal of record it appears that the defendants have appeared in the instant suit by filing Vakalatnama on 20/01/2020. After the lapse of considerable amount of time no Written Statement and Written Objection has yet been filed by the defendants. As such, let the suit be proceeded ex parte against the defendants. Accordingly the said petition is taken up for hearing.

Ld. Advocate on behalf of the plaintiff has filed the instant petition for local inspection and submitted that the plaintiff has preferred the instant suit for permanent injunction.

The contention of the plaintiff is that he is a bargadar in respect of the suit property and is in possession of the same by way of cultivation. The plaintiff has further contended that the opposite intend to take possession of the suit property by cutting down the trees and use the same for the purpose of construction. In such circumstances, the Ld. Advocate for the plaintiff has filed the instant petition praying for local inspection of the suit property for bringing the real picture before this court and for effective adjudication of the suit.

Perused the petition for local inspection and other materials available on record.

Considered.

**Contd...**

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On careful perusal of the record it appears to this Court that this Court had already granted ad interim injunction thereby restraining the defendants from disturbing the petitioner on the cultivation of the suit property as *Barga*. Now this Court is of the view that if the defendants try to make any construction thereby demolishing the boundary wall it will create complications. In such circumstances the court is of the view that the instant petition for local inspection filed by the plaintiff should be allowed for the purpose of effective adjudication of the suit.

Hence, it is

**ORDERED**

that the instant application under Order XXXIX Rule 7 of C.P.C is considered and allowed ex parte.

Let **Mr. Khilafat Hossain** be appointed as Ld. Advocate Commissioner to hold Commission work as per the schedule of the instant application.

The Ld. Advocate Commissioner is directed to serve notice to both the parties before commencing his commission work and abide by all the necessary formalities.

Plaintiff is directed to pay ₹1000/- to the Ld. Advocate Commissioner. Writ will be issued after payment of commission fee.

Let the ad interim order of injunction be extended till 21/04/2022.

Fix **30/06/2022** for report from the Ld. Advocate Commissioner.

D/C by me.

Sd/- A. N. Warsi

Civil Judge (Junior Division)  
Lalbagh, Murshidabad

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Civil Judge (Junior Division),  
Lalbagh, Murshidabad