

TS 110/2018
CNR No. WBND070001602018
Present : Rajib Sarkar
JO Code – WB01509

Order No. 32

Date 24.04.2023

Today is fixed for P.H in suit and counter claim.

Both the parties are present by filing their respective lawyers hazira.

Written chief of P.W-1 i.e. the plaintiff has been filed. Let it be kept with the record.

Ld. Advocate on behalf of the defendant files a taken off petition along with the petition of reviewing order no. 31 dated 20.03.2023. The taken off petition is allowed upon cost of Rs. 300/- to be paid by the defendant in favour of the plaintiff.

Ld. Advocate on behalf of the defendant undertake to pay the cost at once. As such the review petition is taken up for hearing.

Heard both sides.

Objection is raised by the Ld. Advocate on behalf of the plaintiff.

On perusal of the record, it appears that the local investigation petition was rejected vide order no. 31 after giving ample opportunities to the defendants to pay the commission fees but the defendant failed to pay the same within the time. Now, the case of the defendants is regarding encroachment and the same is bound to fail if the local investigation is not conducted.

Hence, it is

Ordered

that the instant petition for reviewing the order 31 be and the same is allowed for ends of justice with a cost of Rs. 500/- to be paid by the defendant in favour of plaintiff. The order no. 31 stands modified to the effect that the local investigation petition as was allowed vide order no. 24 dated 01.04.2021 remains and the defendant is directed to pay the commission fees within 15 days from the date of this order positively.

Fix 13.07.2023 for payment of cost in respect of review petition and commission report.

D & C by me,

Sd/- R. Sarkar
Civil Judge(Junior Division),
Nabadwip, Nadia

Later :

Date 24.04.2023

Ld. Advocate on behalf of the plaintiff files the cost receipt in respect of the taken off petition.

Let the same be kept with the record.

D & C by me,

Sd/- R. Sarkar
Civil Judge(Junior Division),
Nabadwip, Nadia