

15/11/18

Today is fixed for hearing of the petition filed by the plaintiff on 17.9.18. Both parties file haziras. The petition is taken up for hearing.

By filing the instant petition the plaintiff prayed for appointment of a new survey passed advocate commissioner for holding investigation on the ground that the previous advocate commissioner although conducted the investigation work to an extent but without completing the commission work he returned the writ of commission along with a letter stating that he is unable to conduct the inspection work any further due to his illness. The said letter and writ is lying in the record. In this circumstance on hearing of both sides and considering the situation I find no reason to disallow the petition filed by the plaintiff dt. 17.9.18 because previously the petition u/o.26 rule 9 was allowed considering without appointment of survey passed advocate commissioner and without the report in that respect the real disputes between the parties cannot be adjudicated.

Perused the said application as well as materials on record. Considered.

Hence, it is,

ORDERED

that the petition dt.17.9.18 is allowed on contest.

Let Sri Swapan Bose be appointed as survey passed advocate commissioner who is directed to hold the local investigation according to points mentioned in the petition of the plaintiff and after serving notice upon both the parties and submit report accordingly.

Plaintiff is directed to pay Rs.5000/- to the commissioner as commissioner's fees. Writ will be issued after filing of such receipt.

Petitioner is directed to file the copies of pleadings and copy of the instant application for supplying the same to the ld.Survey passed advocate commissioner.

To 20-02-2019 for report.

D/c by me.

Judge,

Civil Judge(Jr.Divn.)

3rd Court, Sealdah

