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01-11-2019

Today is fixed for hearing of the petition filed by the plaintiff U/o-39 Rule-7 dated 26.04.2019.

The petition is taken for hearing.

The Ld. Advocate for both sides are present before this Court.

Heard the Ld. Advocate for both sides.

Now the record is taken up passing order.

The instant petition filed before this Court on 26.04.2019 by which the parties were agreed to appoint their representative under the provision of order 39 rule 7.

The points enumerated in the petition perused by this Court. The points as enumearted by the plaintiff are correct and defendant does not raise any objection regarding the point mentioned in the petition for inspection. In regards to the point No. a, b and c, this Court is directed to conduct inspection by taking the said point as following:

- a) accommodation of the plaintiff in the ground floor;
- b) accommodation of the defendant in the ground floor and
- c) to note other local feature as found in the ground floor.
- d) In addition, the whole premises and numbers of accommodation are there.

Contd.....

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Contd.....

Hence it is

ORDERED.

that the application filed by the plaintiff u/o.39 rule 7 of CPC dated 26.04.2019 is allowed and disposed of accordingly.

Ld. **Advocate, Sri Debjit Chatterjee** be appointed as Advocate Commissioner who is directed to hold the local inspection after serving notice upon both the parties and in presence of both sides according to points mentioned in the order and submit a report by 16.12.2019.

The parties are directed to pay Rs.1500/- each towards commissioner's remuneration for local inspection at once. Both parties are directed to supply the documents as per the requirement of Ld. Commissioner.

D.A is directed to issue Writ accordingly.

Fix **16-12-2019** for commissioner's report.

D/c by me

CJ (Jr. Divn.)
Bidhannagar

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