

19.12.2023

Record is fixed for ex-parte hearing.

Ld. Advocate for the plaintiff files hazira along with one application under Order 11 Rule 12 of Code of Civil Procedure.

Copy served upon the defendant.

Ld. Advocate for the defendant files one CO No. 3383 of 2023 along with one advocate letter dated 05/12/2023. Kept with the record.

Perused the record and the documents provided by the parties.

From the record it can be seen that Hon'ble High Court has directed this Court to conduct the commission work within 4 weeks from the appointment of the Advocate Commissioner. It is pertinent to mention here that the fees for the appointment of the advocate commissioner have already been paid by the plaintiff.

Thus, Ld. Advocate Debjit Chatterjee be appointed as the local inspection Commissioner.

The office is directed to issue the writ of commission immediately.

The Ld. Commissioner is directed to carry out spot inspection of the suit property.

The Ld. Commissioner shall:

Point 1- Note the accommodation of the plaintiff, i.e. rooms of under the use and occupation of the plaintiff.

Point 2- Note the accommodation of the defendant i.e rooms available at the suit premises for the defendant. Further, Ld. Commissioner shall also take room measurement, note condition of the suit property and use of the suit property by the defendant.

Point 3- Note any other features as found and/or as pointed out by the parties.

Ld. Commissioner shall serve notice upon both the parties and observe all the legal formalities in this regard. The Ld. Commissioner shall scrupulously avoid giving any personal opinion on any of the points above or on any matter of direct evidence and shall confine his inspection and report only to the factual aspects as seen by the eyes.

The Ld. Commissioner is also requested to submit his report positively by the date fixed, i.e. by 22/01/2024.

Fix **22/01/2024** for the hearing of all the interlocutory matters pending in this record and commissioner's report.

C.J.

J.O. CODE : WB 01536