

Ejectment Suit No :- 82/2014

Order no.36

26.07.2018

Both parties filed hazira.

Today is fixed for hearing of the petition under Section 151 of C. P. C.

Heard the Ld. Advocates for both the parties.

Perused the petition and material on record.

On perusal, I find that the defendant has stated that the Ld. commissioner has done commission work according to the writ and has submitted report. During inspection, the Ld. Advocate for the defendant identified three rooms on the ground floor and three rooms on the first floor of the suit premises which alleged to be under possession of plaintiff but the Ld. Commissioner refused to inspect the said rooms as the Ld. Advocate for the plaintiff stated that those rooms were not under possession of the plaintiff. Ld. Commissioner has recorded the said fact in her report. Ld. Advocate for the plaintiff submitted that the Ld. Commissioner has rightly noted the said fact as those rooms are not under possession of the plaintiff and the Ld. Commissioner was directed to note the accommodation available to the plaintiff and the defendant.

From the above discussions, I find that the Ld. Commissioner has rightly done her work in compliance with the writ and submitted her report. In such circumstances, she cannot be directed further to inspect those rooms again.

Hence, it is

ORDERED

that the petition filed under Section 151 of C. P. C. by the defendant is hereby rejected.

To 13.09.2018 for P. H.

Judge, 2nd Bench
P.S.C. Court, Calcutta.