

## Ejectment Suit No. - 178 of 2013

Order No.- 46

09.08.2018

Both sides present by filing hazira.

Record is taken up for hearing.

Heard both sides.

Perused petition, written objection and other materials on record.

Considered.

This is an application under Order 39 Rule 7, r/w section 151 of C.P.C. dated 27.03.2017 filed by the plaintiff.

The plaintiff has filed the present petition for local inspection/commission on the points:-

- a) Extent of accommodation of the defendants along with frontage of the said portion,  
b) Sketch map of the frontage?,  
c) Nature and character of the use of the said shop room?  
d) Sketch map of the entire frontage leads from the main road including the portion ingress and egress of the building?,  
e) Any other feature that may be pointed out at the time of commission.

Ld. Advocate on behalf of the defendant raised objection against the petition on ground that the plaintiffs filed the present application for fishing out evidence.

I find that the points mentioned in the schedule of the application are necessary for determination of the actual condition and accommodation of the plaintiffs and defendants in the suit building.

I consider that the instant petition need be allowed in respect of all the points mentioned therein.

Hence, it is,

### **O R D E R E D,**

that the petition petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 27.03.2017 is hereby allowed on contest in respect of all the points.

**Smt. Lakshmi Prasad** Ld. Advocate of this Court is hereby appointed Advocate Commissioner to hold local inspection in terms of the petition.

Plaintiff is directed to hand over Rs. 5000/- towards fees of the Ld. Advocate Commissioner and file receipt.

Plaintiff is directed to supply a copy of the plaint, petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 27.03.2017 to the Ld. Advocate Commissioner.

Ld. Advocate Commissioner is directed to go to the locale after serving due notice upon both sides, to hold local inspection in terms of all the points and submit report.

Let a copy of this order be served upon the Advocate Commissioner free of cost.

Issue writ accordingly.

To ..... for filling Advocate Commissioner's report.

Dictated and corrected by me:

Sd/- Smt. Shrutirupa Ghosh

Judge

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Judge, 3rd Bench.