

Ej. Suit No. 219 of 2011
CNR No. WBPS01-000296-2011

Order No. 87
03.09.2022

Today is fixed for hearing of petitions u/s 7(2) of WBPT Act filed by the defendant and filing joint statement of accounts (if any) by the parties and hearing of the petition u/o-39, rule-7 r/w section 151 of CPC, written objection, if any in the meantime.

Both sides filed hazira through their Ld. Advocates.

Now the petition u/s 7(2) of W.B.P.T. Act, 1997 filed by the defendant on 21.05.2011 is taken up for hearing.

Record reveals that the petition u/s 7(2) of W.B.P.T. Act, 1997 filed by the defendant on 21.05.2011 has already been disposed of by this Court Vide Order No. 85, dated 06.04.202.

So at this juncture there is no need to pass any order in connection with the petition u/s 7(2) of W.B.P.T. Act, 1997 filed by the defendant on 21.05.2011.

Dictated and corrected by me:

Judge

(J.O. Code: WB1037)
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta

Later
03.09.2022

Now record is taken up for hearing of the petition u/o-39, rule-7 r/w section 151 of the C.P.C. filed by the plaintiff dated 10.05.2022.

Heard both sides.

Perused the petition and other materials on record.

Considering the fact that the Commission as sought for by the plaintiff is formal in nature and is required for the purpose of this suit. Hence, the prayer of the plaintiff is hereby considered and allowed.

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

- (1) To take measurement of the rooms in occupation of the plaintiff and to note the mode of user thereof at 20B, Kanderdine Lane, Kolkata – 700012.**
- (2) To take measurement of the rooms in occupation of the defendants and to note the mode of user thereof at 20B, Kanderdine Lane, Kolkata-700012,**
- (3) To note such other feature or features as may be pointed out by the Learned Advocates of the parties at the time of holding local inspection.**

This Court find that all the points mentioned in the schedule of the application are necessary for determination of the actual condition and accommodation of the plaintiff and the defendant in the suit building.

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

Hence, it is,

ORDERED,

that the petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 10.05.2022 is hereby allowed on contest in respect of all the points.

Contd....P/2

Smt. Srabani Ghosh 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. 15,000/- (fifteen thousand) 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 10.05.2022 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 within **45 (forty-five)** days from the received of this order.

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

Issue writ accordingly.

To **17.09.2022** for filling receipts showing of payment of Commission cost by the plaintiff.

Dictated and corrected by me:

Sd/- Sangram Saha

Judge

Sd/- Sangram Saha

(J.O. Code: WB1037)

Judge, 3rd Bench

**Presidency Small Cause Court,
Calcutta**