

Order no.76 dt.14/11/18

Parties file hazira.

Today is fixed for order in connection with petition u/o 39 rule 7 CPC.

This petition has been filed by the plaintiff to note the measurement of the suit property. The defendant has objected the said petition as plaintiff's suit is for reasonable requirement, but his accommodation in the suit property is not sought to be examined.

On perusal of the plaint it appears that the plaintiff has prayed for eviction of the defendant on various grounds and one of them is reasonable requirement.

Accordingly, plaintiff's accommodation is to be inspected.

Hence, it is

Ordered

That this petition is disposed of appointing Chitta Binod Biswas as Ld. Advocate Commissioner in this suit and is directed to conduct commission work as per points mentioned in the commission petition as well as inspect the plaintiff's occupied portion in the suit property and their mode of user. The Ld. Commissioner is also directed to conduct the commission work after service of notice upon both the sides and their respective lawyers.

Plaintiff to deposit Rs.4000/- as commission fee by hand or by deposit and file receipt by date fixed.

To 10/12/18 for hearing petition u/s 151 CPC filed by the defendant for repair of the suit property.

D/C by me

Judge, 4<sup>th</sup> Bench

Judge