

EJECTMENT SUIT NO :- 150 OF 2023
(CNR No. WBPS01-000352-2023)
(JO CODE No. WB01229)

Order no. - 10
Dt. 04.01.2024

Today is fixed for appearance.

Both parties file hazira.

Ld. Advocate for the plaintiffs submitted before this court that on 06.12.2023 one petition under Order 39 Rule 7 of CPC dated 02.01.2024 read with Section 151 of CPC was filed by the plaintiffs and prayed for hearing of the said petition.

Accordingly, the case record is taken for hearing of the petition under Order 39 Rule 7 of CPC dated 02.01.2024 read with Section 151 of CPC filed by the plaintiffs.

Heard Ld. Advocate for the plaintiffs who submitted that in order to ascertain the real picture of the suit property and also for proper adjudication of the real dispute in the suit, it is required to appoint an advocate Commissioner for holding local inspection work and to submit report as per the points given in the schedule annexed with this petition.

Heard Ld. Advocate for the defendant who raised no objection.

Considered.

Perused the instant petition and other materials on record.

Considering the materials on record, I find that plaintiffs have filed the suit for recovery of khas possession on the ground of reasonable requirement. In consideration of the materials on record, it appears to this court that the plaintiffs want to inspect the premises no. 42, Bidhan Sarani, P.S. - Amherst Street, Kolkata – 700 006 regarding the accommodation available to the plaintiffs and defendant.

Upon considering the whole facts come before the court and I am of considered view that the prayer of the plaintiffs should be allowed for better

picture of the accommodation available to the parties in the suit building being premises no. 42, Bidhan Sarani, P.S. - Amherst Street, Kolkata – 700 006.

Hence, it is

ORDERED

that the petition under Order 39 Rule 7 of CPC dated 02.01.2024 read with Section 151 of CPC filed by the plaintiffs is hereby allowed on contest.

Aishwarya Pratihari, Learned Advocate is here by appointed as Advocate Commissioner to hold the inspection in terms of the points mentioned in the petition dated 02.01.2024 after due service of the notices upon the parties through their respective Advocates.

Plaintiffs are hereby directed to deposit the cost of Rs.10,000/- to the Ld. Commissioner within ten days from the date of this order and to file receipt thereof.

After filing of the receipt of payment of cost of commissioner, writ will be issued immediately and Ld. Commissioner is directed to hold the commission work according to the writ without granting any type of adjournment and to note the features of the suit premises and to note features as indicated by the plaintiffs and the defendant and to submit the report according to the schedule of the writ within the date fixed.

To 11.03.2024 for commission report.

[Dictated and corrected by me]

Sd/-

(Manabendra Nath Ghosh)
Judge, Bench – II,
Presidency Small Cause Court,
Calcutta.

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