

Ejectment Suit No. - 307 of 2014

Order No.- 21

14.09.2017

Both parties filed hazira.

Plaintiff files document showing service of copy of petition u/o-39, rule-7 r/w section 151 of C.P.C. upon the defendant.

Record is taken up for hearing petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 15.06.2016.

Heard both sides.

Perused petition, plaint and other materials on record.

Considered.

In the petition the plaintiff has inter alia alleged that the suit is on the ground of reasonable requirement and has filed the present petition for local inspection/commission on the points :-

(a) To inspect, measure the room/rooms/spaces/any accommodation under occupation of the plaintiff and his family members, defendants whatsoever at premises no. 24, Creek Lane, P.S. - Muchipara, Kolkata – 700 014 and to draw a sketch map thereof and also to note its mode of user and other local features as will be pointed out by the parties to the suit to the Ld. Advocate Commissioner to be appointed by this Ld. Court at the time of holding commission/inspection,

(b) to inspect, measure the room/rooms/spaces/any accommodation whatsoever under occupation of the defendant and his family members at premises no. 24/1, Creek Lane, P.S. - Muchipara, Kolkata-70014 (i.e. entire premises no. 24/1, Creek Lane) and to draw a sketch map thereof and also to note its mode of user and other local features as will be pointed out the by parties to the suit to the Ld. Advocate Commissioner to be appointed this Ld. Court at the time of of holding commission/inspection,

(c) to note and/or inspect whether any accommodation and/or spaces/room whatever it may be premises no. 24/1, Creek Lane, P.S. - Muchipara, Kolkata – 700014 is/are under possession of the plaintiff.

The defendant contested the petition by filing his written objection in which he denied all the statements made in the application. The defendant has thus prayed for dismissal of the application with cost.

Ld. Advocate for the plaintiffs submitted that the suit is on the ground of reasonable requirement.

Upon perusal of the petition and plaint I find that the plaintiff has stated the extent of his accommodation in the plaint by way of amendment.

Hence, I consider that the instant petition need be allowed in respect of all the points for proper adjudication of the suit and for ends of justice.

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 15.06.2016 is hereby allowed on contest in respect of all the points.

Tapasi Chatterjee Ld. Advocate of this Court is hereby appointed Advocate Commissioner to hold local inspection in terms of the petition.

Plaintiffs are directed to hand over Rs. 4000/- towards fees of the Ld. Advocate Commissioner and file receipt.

Plaintiffs are also directed to supply a copy of the plaint, petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 15.06.2016 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.

Issue writ accordingly.

To for filling Advocate Commissioner's report.

Dictated and corrected by me:

Sd/- Smt. Shrutirupa Ghosh

Judge

Sd/- Smt. Shrutirupa Ghosh

Judge, 3rd Bench.