

EJECTMENT SUIT NO :- 160/2019
(CNR No. WBPS01-000480-2019)
(JO CODE No. WB01229)

Order no. - 22
Dt. 03.03.2022

Today is fixed for hearing of petition dated 17.02.2022 under Order 39 Rule 7 read with Section 151 of CPC filed by the plaintiff.

Both side file hazira.

Heard Ld. Advocate for the plaintiff who submitted that in order to ascertain the accommodation of plaintiff and also the defendants over the suit premises, the same is required to be inspected as per the points given in the said petition.

Considered.

Perused the instant petition and materials on record.

Considering the material on record, I find that plaintiff has 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 for the better appreciation of the matter in dispute, there is a need for the physical verification of the accommodation under the possession of the plaintiff and the defendants and also the present condition of the suit premises. Hence, at this stage the said property is required to be inspected by the commissioner to find out the real dispute between the parties and the said does not cause any prejudice to the parties.

In view of the above observation, I am inclined to allow the prayer of the plaintiff as sought for.

Hence, it is

ORDERED

that petition dated 17.02.2022 under Order 39 Rule 7 of CPC read with Section 151 of CPC supported by an affidavit filed by the plaintiff is allowed on contest.

Joydeep Dhar Learned Commissioner is here by appointed to hold the inspection in terms of the points mentioned in the petition and also to mention the accommodation of the parties in the suit property after due service of the notices upon the parties through their respective advocates. The learned Commissioner is further directed to file the report by the next day positively.

Upon deposit of cost of Rs.8000/- and filing of requisite, writ will be issued to the Commissioner **Joydeep Dhar** with a request to hold the commission work according to the writ and to note the features of the suit premises and to note features as indicate by the plaintiff as well as the defendants and to submit the report according to the schedule of the writ within the date fixed.

Plaintiff is directed to submit receipt regarding payment of cost of the Ld. Commissioner.

To **28.04.2022** for commission report and hearing of petition dated 08.11.2019 filed by the plaintiff.

D/C by me.

Judge, Bench – II,
P.S.C. Court, Calcutta.