

Ej. Suit No. 223 of 2019
CIS No. WBPS01-000604-2023

Order No. 35
10.07.2025

Today is fixed for filing Commissioner's report.

Both sides have filed hazira through their respective Ld. Advocates.

A petition has been filed by the Ld. Commissioner praying for further time to complete the commission work.

The Ld. Advocate Commissioner did not appear to make his submission.

Upon perusal of the record it appears that vide order no. 19, dated 02.12.2021 the Ld. Chief Judge, Presidency Small Cause Court, Calcutta had allowed the application under order – 39, Rule – 7 of CPC filed by the plaintiff on 16.12.2020 and accordingly had appointed of Sri Joydeep Dhar, a practicing Advocate of this Bar as Ld. Advocate Commissioner and thereafter, the writ had also been issued and received by him on 28.04.2022.

The Ld. Chief Judge, Presidency Small Cause Court, Calcutta vide order no. 22, dated 29.06.2022 had further directed the Ld. Commissioner to complete his local inspection as expeditiously as possible without granting any unnecessary adjournments to either parties and file report positively on or before 31.08.2022.

Despite that the Commissioner has not submitted his report till date. Upon perusal of the record, it is further found that on every date, the Ld. Commissioner has sought adjournment without specifically stating any reason for such adjournments. It is very unfortunate that a period of three years has passed from the date of issuance of the writ, but till date no report has been submitted nor the Ld. Commissioner appeared before the court to state his reason, if any, for non compliance of the earlier orders. For non submission of the report of the commission, the proceeding of the suit has come to a halt, causing inconvenience to the parties of the suit, more specifically to the plaintiff.

In view of the above and considering everything, an opportunity is given to the Ld. Commissioner to submit his report positively by the next date.

Let the copy of this order be served upon the Ld. Commissioner through the Secretary, Bar Association, Presidency Small Cause Court, Calcutta for his information and compliance.

To **12.08.2025** for commissioner's report.

B.C. I to comply.

Dictated and corrected by me:

Judge

Glady Bomjan
(J.O. Code: 01039)
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta