

Ejectment Suit No.- 534 of 2012

Order No.- 24
16/09/2016

Both parties filed hazira.

Plaintiffs' application u/o-39, rule-7 of C.P.C. dated 01.07.2015 is taken up for hearing.

Hd. Ld. Advocates for both sides.

Perused the petition, written objection and other materials on record .

In the petition the plaintiffs have 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 note and take detailed measurement of the plaintiff's accommodation at 20B, Kenderdine Lane, Kolkata-700012,
- (b) To note and take detailed measurement of the defendant's accommodation at premises no. 20B, Kenderdine Lane, P.S. - Bowbazar, Kolkata-700012,
- (c) To note such other feature or features as may be pointed out by the parties at the time of holding locale inspection.

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

Ld. Advocate on behalf of the defendant raised objection on ground that the petition has been filed for the purpose of delay in proceedings.

Upon hearing submission of both sides, I consider that the instant petition need be allowed 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 of C.P.C. dated 01.07.2015 is hereby allowed on contest in respect of all points.

Swarup Kumar Ghosh Ld. Advocate of this Court is hereby appointed Advocate Commissioner to hold local inspection in terms of the petition.

Plaintiff is directed to pay/deposit Rs. 3000/- within 15 (fifteen) days towards fees of the Ld. Advocate Commissioner.

Plaintiff is also directed to supply a copy of the plaint, petition u/o-39, rule-7 of C.P.C. dated 01.07.2015 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 of the petition.

Issue writ accordingly.

To for filling Advocate Commissioner's report.

Dictated and corrected by me:

Sd/-

Judge

Sd/- Shrutirupa Ghosh

Judge, 3rd Bench.