

EJECTMENT SUIT NO. :- 355 OF 2008
(CNR No. WBPS01-000635-2002)
(JO CODE No. WB01165)

Before Smt. P. Shukla, Ld. Judge, 2nd Bench.

Order no. -108

Dt. 19.08.2025

Today is fixed for order in respect of the petition under Order 39 Rule 7 of CPC filed by the defendant.

Both parties filed hazira.

Heard the submission of the defendant who prays to hold inspection that for proper adjudication of the dispute as well as fair trial it is necessary that an Advocate Commissioner may be appointed for holding local inspection on the points given below :-

a) To note down the condition of the suit premises occupied by the defendant.

b) To take measurement of the portion of the suit premises occupied by the defendant at premises no. 23/1A, Baburam Seal Lane, Kolkata - 700012.

c) To note down the condition of the surrounding wall as well as the sealing of the room particularly tin shed, sealing of the suit premises occupied by the defendant.

d) Any other feature/ features as may be pointed out by the parties and the respective Advocate at the locale at the time of inspection.

Plaintiff filed W/O and submitted that suit property has already inspected at the instance of the plaintiff and in presence of both parties and also the defendant has caused massive addition, alteration and construction and damages over the suit property and one of the objects of the defendant is to evade trial and wipe of evidence as regarding damage and wastage.

Heard. Considered.

Perused the entire document available on the case record.

It appears from the commissioner's report is already filed.

Further on plain reading of the instant petition, it appears that this petition is an extension of the repairing petition which is already considered and rejected by order no. 101 dated 17.01.2025.

The petition to recall the order dated 17.01.2025 is also considered and rejected and Vide. Order No. 106 dated 30.06.2025.

The suit is more than 17 years old and still at the P.H. stage.

The defendant is filing one after another petition while it is settled principles that what could not be done directly can not also be done indirectly.

Hence, it is

ORDERED

that the instant petition under Order 39 Rule 7 of CPC is rejected on contest.

To 04.11.2025 for P.H. positively.

D/C by me.

Sd/-

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

Sd/-

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