

Ejectment suit 329 of 2024  
(CNR No. WBPS01-000668-2024)  
Before - Smt Jayashree Banerjee - Ld. Chief Judge.

08.

06-08-2025.

Today is fixed for hearing of application filed by the plaintiff u/o- 39 Rule 7 of C.P Code dated 21-06-2025, w/o if any , in the mean time.

Both parties file haziras.

Defendant files Written objection against the application of the plaintiff u/o- 39 Rule 7 of C.P Code dated 21-06-2025, copy served. Let the same be kept with the case record.

Ld. Counsels for the contesting parties are present on call.

The petition is taken up for hearing.

Heard both sides.

By filing the application petition u/o-39 Rule 7 of C.P Code dated 21/06/2025, plaintiff has prayed for appointment of an Advocate Commissioner to hold inspection and take note and measurement of the accommodations available to the plaintiff as well as defendant in terms of the schedule mentioned in the petition since the plaintiff has filed the instant suit for eviction of the defendnat from the suit premises on the ground of reasonable requirement along with the other grounds.

At the time of hearing, Ld. Counsel for the plaintiff prayed for allowing the applcation.

Against the petition , defendant has filed W/O today denying all the materials contended in the petition.

At the time of hearing, Ld. Counsel for the defendant raised formal objection.

Heard both sides.

Perused the petition, its W/O filed by the defendants this day, as well as materials on record.

Considered.

Perusal of the plaint reveals that plaintiffs have filed in the instant suit for eviction of the defendant from the suit premises on the ground of reasonable requirement of the suit premises along with other grounds . On the contrary, Defendant has denied the same in his written statement.

Therefore, in order to ascertain the actual accommodation available to the parties , and also in order to properly adjudicate the real dispute between the parties, local inspection of the premises in question is found necessary.

The points of inspection also appears to be within the legal framework.

p.t.o....

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Accordingly ,  
it is,

Ordered

That the petition u/o- 39 Rule 7 read with Section 151 of C.P Code dt 21-06-2025 filed by the plaintiff is hereby allowed on contest but without cost .

Let Sri Dipak Kumar Das ( Enrolment No F/612/1997 ) a practicing advocate of this Bar be appointed as Ld Commissioner to hold inspection in terms of the schedule mentioned in the instant application subject to payment of cost Rs. 9,000/- by the plaintiff towards the fees of the Ld. Commissioner.

Ld commissioner is directed to visit the locale after due service of notice upon both sides as well as their Ld advocates well in advance and conduct the commission work in presence of both parties in accordance with law in terms of the schedule of the application and submit a report thereof before the Court, preferably within one month from the date of receipt of the writ.

Parties are directed to supply copy of the instant application, plaint, and other necessary documents which shall be required to facilitate the commission work to the Ld Commissioner.

Both parties are directed to extend full cooperation to the Ld. Commissioner in completion of the Local Inspection. Ld. Commissioner is also not permitted to collect any evidence under any circumstances or to act in any manner which is beyond the Writ of Commission or not within the ambit of his work.

To ( 11/09/2025 ) for filing receipt showing payment of commissioner's fee by the plaintiff, thereafter writ shall be issued.

Dictated & corrected

by me :-

Chief Judge.

J.O .Code:- WB 01049.