

EJ 381/16

Order no.13 dt. 12/02/18

Parties file hazira.

Petition u/o 39 rule 7 CPC is taken up for passing order.

Plaintiff has filed this suit for eviction of the defendant and one of the ground is reasonable requirement.

By way of this commission petition plaintiff has sought to show his available accommodation to the Court.

The defendant has objected to the petition that the plaintiffs are required to disclose all their accommodations and other properties mentioned at para 14 and para 8 of the plaintiff also requires to be inspected.

On going through the plaint I find that plaintiff has stated that 78 Lalin Sarani is not suitable for retail outlet. Such picture is necessarily come before the Court. As such, I allow this petition for commission directing the commissioner to also make necessary inspection in respect of point no. iii, iv, v, vi and vii of paragraph 2 (c) of the objection.

Diptyendu Kumar Pal is appointed as Advocate commissioner and is directed to conduct commission work in respect of points mentioned in schedule of the commission petition and point no.iii, iv, v, vi and vii of the paragraph 2 (c) of the objection after giving notice to both the sides.

Plaintiff is directed to deposit Rs. 4000/- as commission fee by 23/02/18.

Both the plaintiffs and defendants are directed to file a copy of plaint, written statement, petition u/o 39 rule 7 and its objection in the office of the Court to be supplied to the commissioner along with the writ.

Writ will be issued after commission fees deposited.

D/C by me

Judge, 4th Bench

Judge