

Ej. Suit No. 477 of 2012
CIS No. WBPS01-001068-2012

Order No. 78
25.08.2025

Today is fixed for Commissioner's report.
Both sides have filed hazira through their Ld. Advocates.
Perused the case record.

This Court vide order dated 17.06.2025 had directed the defendant to pay the Commissioner's fee, but it appears that till date he has not paid the Commissioner's fee. It is pertinent to mention here that the order of commission had been passed on 04.03.2024 and it has almost been 18 months but the defendant is not paying the Commissioner's fees. Ample opportunity has already been given to the defendant and from the conduct of the defendant it appears that either he has abandoned the relief or it can be inferred that he is trying to delay the proceeding of the suit in the garb of commission. No further time can be allowed having considered the age of the case.

In view of the above, the order of commission granted earlier vide order dated 04.03.2024 to the defendant granted to him under Order-39, Rule-7 of the CPC is hereby recalled.

Fixing 29.10.2025 for P. Hearing of the suit.

Dictated and corrected by me:

Judge

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