

Ej. Suit No. 521 of 2015
CIS No. :: WBPS01-000379-2015

Order No: 57

Date: 20.02.2025

Today is fixed for Commissioner's report.

Parties are present by filing haziras through their Ld. Advocates and filed an application has filed by the plaintiff u/O-39, Rule-7 r/w Section 151 of the CPC.

Copy has been served to the other side.

Heard, perused and considered.

It is submitted that vide order no. 50, dated 21.06.2024 this Court had allowed the application u/o-39, Rule-7 r/w Section 151 of the CPC filed by the plaintiff for holding local inspection of the suit property. This Court had been pleased to appoint Smt. Krishna Dey Kar, Advocate practising in the Presidency Small Cause Court, Calcutta as Advocate Commissioner to hold the commission.

It is submitted that unfortunately the Ld. Advocate Commissioner expired on 17.12.2024 and the commission work has not been completed yet thus the plaintiff prays that a Commissioner may be appointed afresh to hold the commission work.

In view of the order dated 21.06.2024, since, this Court has already allowed application u/o-39, Rule-7 r/w section 151 of CPC filed by the plaintiff for holding commission in respect of the suit property, this Court does not find any impediment as to not allow the application filed by the plaintiff this day for appointing a new Commissioner in place of the deceased Ld. Advocate Commissioner, hence, the prayer of the plaintiff is allowed on contest.

Let Sri. Dipak Kumar Das, Ld. Advocate of this Court is hereby appointed Advocate Commissioner to hold local inspection in terms of the petition dated 24.07.2018 filed by the plaintiff.

Plaintiff is directed to hand over Rs. 10,000/- (ten thousand) towards fees of the Ld. Advocate Commissioner and file receipt.

Plaintiff is directed to supply a copy of the plaint, petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 24.07.2018 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 and submit report.

Let a copy of this order be served upon the Advocate Commissioner free of cost.

Issue writ accordingly.

To **16.05.2025** for filling Advocate Commissioner's report.

Dictated and corrected by me:

Judge

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