

T.S 4 of 2013

Order no. 52
Dated 29.04.2015

Record is put up on the basis of put up petition.

Ld. Advocate of the plaintiff as well as defendant are personally present. A petition has been filed by the plaintiff U/o 26 rule 9 CPC praying for appointment of survey pass commissioner for partition of the suit property.

Heard both sides. Perused the materials on record and the judgement dt.06.12.2014. It appears from the submission of both sides that it is not possible for them to make partition amicably. Therefore, there is necessity of making a partition by metes and bounds subject to the report of survey pass commissioner for partition of the suit property as per judgement.

Therefore, the petition U/o 26 rule 9 CPC is allowed on contest.

Sri Biswajit Das, Ld. Advocate of this court is directed to make a commission for partition of the suit property by metes and bounds as per judgement of this court dt.06.12.2014.

Parties are directed to serve a copy of the judgement to the Ld. Advocate Commissioner. Plaintiffs are directed to deposit cost of Rs.4000/- to the Ld. Commissioner within 15days of this order. Writ will be issued on filing of the receipt of payment of Commissioner's fees. Ld. Commissioner is directed to complete the commission work as quick as possible and to inform both the sides as well as their Ld. Advocate in advance by notice for holding commission and to continue this till completion of the commission. Ld. Advocates are requested to co-operate with the Ld. Commissioner and to ask their respective clients to let the Ld. Commissioner work within the four corners of the judgement.

A copy of the order sheet be supplied to the Ld. Partition Commissioner for necessary action.

Fixing _____ for submission of report by the Ld. Commissioner.

D/c by me.

Judge, S.C.C., Sealdah.

Judge, S.C.C., Sealdah.