

**TS No.31 of 2015**

**Reg No. 173/2015**

**Dated 17/05/2023.**

Case record is taken up for hearing of the petition filed by the plaintiff for replacing of the present Advocate commissioner Shri Biswajit Das from this case and to appoint another ld. Advocate commissioner for conducting the advocate commission work.

Both parties concerned lawyer are present in court. Ld. Advocate for the plaintiff said that the Advocate commissioner is not doing the commission work timely and therefore the plaintiff is suffering a lot. Ld. Advocate said that ld. Advocate commissioner may be directed not to proceed further in this commission work and another Advocate commissioner may kindly and appointed in this case for the interest of justice.

Ld. Advocate for the defendant raised strong objection and said that almost 80% of the commission work has already been done by the ld. Advocate commissioner and if at this stage the Advocate commissioner is changed it may delay the entire process further.

Subsequently, ld. Advocate commissioner appeared in court and seen the prayer of the plaintiff and stated that he has no objection regarding the replacement of the commissioner if the court so direct.

Thus, considering all aspect, I am of the view that the present case was instituted by the plaintiff and the prayer for appointment of Advocate commissioner was also made by the plaintiff and now if the plaintiff is not satisfied with the slow progress of commission work there is no reason to replace the commissioner. Advocate commissioner is a person appointed by the court to finally settle the matter. Advocate commissioner is therefore extended hand of the court and now if the plaintiff wants to replace him it is his prerogative. "Justice shouldn't be done it must to shown to have been done" is a an old age legal principle. Therefore the prayer of the plaintiff is considered and allowed.

Both parties to the suit are directed to file the proposed name of Advocate commissioner in this case.

To 12/06/2023 for filling proposed name of Advocate commissioner.

Civil Judge Sr. Divn.  
SCC Sealdah  
(J.O.CODE WB00917)