

T. S. No. 23 of 2024
Regd No. 23/24

(JO Code: WB01068)

Later: dated : 29.02.2024

Record is placed before me.

Ld. Lawyer for the plaintiff moves an application under order 39 rule 1 & 2 read with section 151 of C.P.C.

Heard the Ld. Lawyer for the plaintiffs.

Seen the note of Sherestadar from which it appears that no caveat is pending.

Perused the plaint and the application for injunction.

Considered.

This is a suit for declaration, partition and injunction.

After going through the record, it appears to me that there is no urgency in the matter to allow the relief claimed by the plaintiffs at this stage, moreover the matter may be well adjudged if heard in presence of all the parties.

Considering the aforesaid facts and circumstances, I am not inclined to pass any order of ad-interim injunction against the defendants.

Accordingly, it is,

O R D E R E D

that the prayer for ad interim injunction is refused at this stage.

Issue notice upon the defendants calling upon them to show cause within 15 days from the date of receipt of notice as to why the plaintiffs' prayer for temporary injunction shall not be granted against them.

To date.

Sd/-

D/C

ACJM-cum-CJSD, Kakdwip

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Later: dated : 29.02.2024

The application under Order 39 Rule 7 CPC filed this day by the plaintiffs is taken up for hearing.

Heard the Ld. Advocate on behalf of the plaintiffs.

Considered.

Perused the plaint and the application under Order 39 Rule 7 CPC.

In the said application under Order 39 Rule 7 CPC, the plaintiffs have prayed for local inspection of this suit property so that the actual picture of the suit property comes before the court and so that the court may arrive at a just and proper decision.

In the application for local inspection, the plaintiffs have expressed their intention to bring on record the true picture of the suit property. Having considered the points of local inspection, I am of the view that it would be just and proper to hold local inspection of the property in dispute. At the same time I am of the opinion that the local inspection sort for is necessary for proper adjudication of the dispute between the parties.

Hence, the application under Order 39 Rule 7 of the CPC filed by the plaintiffs is allowed.

Ld. Advocate **Anjan Jana** be appointed as Commissioner in this case for holding local inspection of the suit property mentioned in the scheduled of the application for local inspection and of the plaint on the points satisfied in the application for local inspection except for taking any measurement and also the Ld. Advocate Commissioner is refrained from passing any opinion as to if any construction has been newly constructed or not.

Ld. Advocate Commissioner is directed to go to the locale after due service of notice upon both the parties and to hold local inspection of the property in dispute on the points mentioned in the application for local inspection and thereafter to prepare a report on the points mentioned in the application for local inspection except for the point as noted above and on any points may be shown by the parties to this suit at the time of local inspection.

To date for submission of Commission report. In case the Ld. Advocate commissioner fails to submit the report he/she will be required to pay back the commission amount.

The plaintiffs are directed to pay Rs. 2,200/- to the Commissioner as cost of local inspection at an earliest.

Sd/-

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ACJM-cum-CJSD, Kakdwip

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Title Suit No.23 of 2024
Regd No. 23/24

(J.O. Code-WB01068)
Later: dated : 29.02.2024

The learned advocate files a petition for withdrawal of the original documents filed by the plaintiffs.

Heard Ld. Advocate for the plaintiffs. Perused the petition and other materials on record.

It appears that the petition is duly verified. Accordingly, the petition is allowed.

Let the documents filed by the plaintiffs be returned through his learned lawyer on proper receipt and identification on condition to refile the same as and when called for.

The petition is thus disposed of accordingly.

Sd/-

D/C

ACJM-cum-CJSD, Kakdwip

Sd/-

ACJM-cum-CJSD, Kakdwip