

Title Suit No. 31 of 2021

Regd No. 27/21

(J.O. Code-WB00823)

Order No. 54

dated : 17.02.2023

Today is fixed for hearing on acceptance of show cause and WS.

Both parties file their respective haziras along with one vakalatnama on behalf of the defendant no. 1 and 2 filed by ld advocate Kousik Kar.

Ld advocate on behalf of the plaintiffs file some documents with firisti.

Let the same be kept with the record.

The application under Order VI Rule 17 dated 18.5.202 filed by the plaintiff s and the objection thereto filed by the defendant is taken up for hearing.

Heard both sides.

Considered.

The proposed amendment appears to be formal in nature. I am satisfied that the amendment sought for, will not change the nature , character and cause of action of the suit. So, the application under Order VI Rule 17 of the C.P.C. is allowed but without any cost.

Amend the plaint and register it accordingly.

Plaintiffs to file amended plaint within 15 days.

Ld advocate on behalf of the defendant no. 6 and 7 files an application today under Order 39 Rule 7 CPC.

The said petition is taken up for hearing along with the objection filed thereto by the plaintiffs.

Heard both sides.

Considered.

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

In the said application under Order 39 Rule 7, the defendant no. 6 and 7 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 defendant no. 6 and 7 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 defendant no. 6 and 7 is allowed on contest.

Ld. Advocate **Sourav 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 17.03.2023 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 defendant no. 6 and 7 are directed to pay Rs. 2,000/- to the Commissioner as cost of local inspection at an earliest.

Fix 17.03.2023 for submission of commissioner and additional WS.

Sd/- Sushmita Gayen

D/C

ACJM-cum-CJSD, Kakdwip

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