

Title Suit No. 170 of 2021

Regd No. 68/21

(J.O. Code-WB00823)

Order No. 12

dated : 07.08.2023

Today is fixed for hearing.

Ld advocate on behalf of the plaintiff files hazira.

Ld advocate on behalf of the defendants 1to 3 file haziras.

Ld advocate on behalf of the defendants no. 1to 3 files written objection against the injunction petition filed by the plaintiff.

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

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 plaintiff has 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 plaintiff has expressed her 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 plaintiff is allowed on contest.

Ld. Advocate Nikita Siingh 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 08.09.2023 for submission of Commission report and hearing. In case the Ld. Advocate commissioner fails to submit the report he/she will be required to pay back the commission amount.

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

Sd/-Sushmita Gayen

D/C

ACJM-cum-CJSD, Kakdwip

Sd/-Sushmita Gayen
ACJM-cum-CJSD, Kakdwip