

Title Suit No. 98 of 2018

Regd. no. 36/18

(JO Code: WB01068)

Order no. 41

Dated : 14.03.2024

Today is fixed for hearing petition Order 39 Rule 7 CPC dated 29.02.2024.

Ld advocate on behalf of the plaintiffs files hazira.

Ld advocate on behalf of the defendants no. 2 and 3 and defendants no. 9 to 12 files their respective haziras.

The application under Order 39 Rule 7 CPC dated 29.02.2024 filed by the defendants no. 2 and 3 is taken up for hearing.

Heard.

Considered.

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

In the said application under Order 39 Rule 7 CPC, the defendants no. 2 and 3 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 defendants no. 2 and 3 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 defendants no. 2 and 3 is allowed.

Ld. Advocate **Subhadip Das** 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 25.04.2024 for submission of Commission report and hearing petition u/o 1 r 10 of CPC dated 29.02.2024. In case the Ld. Advocate commissioner fails to submit the report he/she will be required to pay back the commission amount.

The defendants no. 2 and 3 are directed to pay Rs. 2,200/- to the Commissioner as cost of local inspection at an earliest.

D/C

Sd/-

ACJM-cum-CJSD, Kakdwip

Sd/-

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