

TS-61/19

Suit

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26.09.19

Today is fixed for hearing of the application for local inspection.

The learned lawyers for both the sides are present by filing *hazira*.

The defendants 3, 7 and 8, and the defendant no. 4 enter appearance through their learned lawyers Sri Radhankrishna Mondal. Separate *vakalatnamas* have been filed. Such defendants have also filed their written statements in two separate sets.

Such written statements are accepted.

The learned lawyer for the plaintiff files an application for substituting the legal heirs of the defendant no. 1 Mahim who has, according to the averments in such petition, expired in the year 2018.

Both the applications are taken up for hearing.

The learned lawyer for the plaintiffs submit that he has no objection to the application for local inspection.

Heard both the sides and perused the case record.

Considered.

It appears that there is no bar in allowing the substitution application as this is a suit for partition.

With respect to the other application I am of the view that such local inspection will help in proper appreciation and adjudication of the present case.

Accordingly, both the applications are allowed.

Let legal heirs of the deceased defendant no. 1 be brought on record.

Sri Tapas Mondal, a learned member of the bar, is hereby appointed as the inspection commissioner.

The petitioner is directed to deposit/pay a sum of ₹ 1,500/- towards the fee of the learned commissioner.

Immediately upon such payment the learned commissioner, upon due notice, shall visit the locale and hold the inspection with reference to the points mentioned in the application.

To **21.12.2019** for submission of report by the learned commissioner, filing of amended plaint and steps upon the substituted defendants.

Dealing assistant to note accordingly.

Requisites at once.

Inform both sides.

Sd/-

(Civil Judge, sr. divn., Kakdwip)

D/C

Sd/-

(Civil Judge, sr. divn., Kakdwip)