

Order no.99 dated 05/05/2022

Both parties files hazira.

Today is fixed for P. hearing of the Suit. Plaintiff files a petition u/o 26 rule 9 CPC read with section 151 of CPC.

Accordingly, the petition u/o 26 rule 9 CPC read with section 151 of CPC is taken up for hearing.

Hd. Ld. Lawyer for the Plaintiff who submitted before this court that this suit relates to declaration regarding particular portion of suit plot which has been shown and demarcated in the map annexed with the plaint and said property was received by plaintiff by way of patta from State of West Bengal. Now the plaintiff has shown the boundaries of his property in the map and he states that it would not be possible to know the actual area of possession and nature of suit land without a survey by Commissioner hence to pass necessary orders u/o 26 rule 9 CPC read with section 151 of CPC.

Perused the instant petition u/o 26 rule 9 C.P.C. read with section 151 of C.P.C. On perusal of the said petition this court finds that to find out the real point of controversy and for proper and effective adjudication, the prayer of the plaintiff is justified.

Defendant puts no vehement objection.

Accordingly the petition u/o 26 rule 9 C.P.C. read with section 151 of C.P.C. is considered and allowed. Let Ld. Lawyer **Sri Amit Karak, Survey passed Advocate** of this Court be appointed as the Commissioner for conducting the local investigation on the points as stated in the petition u/o 26 rule 9 read with section 151 of C.P.C. The Ld. Commissioner shall proceed to the location after serving notices upon the parties or through their Advocates on record and hold investigation according to law considering the points stated in the instant petition.

The Plaintiff is directed to pay Rs. 2500/- to the commissioner as the Ld. Commissioner's fees. On filing of receipt of the payment writ will be issued.

To 17/05/2022 for payment of cost and the issuance of writ.

Sd/- Riha Trivedi.  
Civil Judge (Jr. Divn.)  
Addtnl Court, Garhbeta  
Paschim Medinipur  
J.O Code – WB 01318

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