

Item No.17
09.02.2026
Court. No. 6
GB

C.O. 237 of 2026

Mohammad Bablu Mistri & Ors.
Vs.
Akbar Ali Mistri & Ors.

Mr. Sibasish Ghosh

...for the Petitioners.

1. Petitioners are directed to serve a copy of this revisional application along with a server copy of this order upon the opposite parties as also upon the learned advocate appearing on behalf of the opposite parties in the learned trial court. Affidavit-of-service to be filed on the next date.
2. The court was of the view that although a survey passed commissioner should be appointed to identify the suit property, but due to scarcity of survey passed commissioners, an advocate commissioner should be appointed to do the job. The court found that while the decree was being executed, the decree-holder was entering into a patta land of the petitioners. The identification problem could be resolved if a survey passed commissioner was appointed.
3. In my, prima facie, view appointment of an advocate commissioner to do the job of a survey passed commissioner was not proper, as the issue would require identification of the land, measurement by

relayment and demarcation with reference to the deeds of the parties and the land records.

4. There shall be stay of operation of the order dated November 17, 2025, passed by the learned Civil Judge (Junior Division), 2nd Court at Basirhat in Misc. Case No.59 of 2025 arising out of Title Execution Case No.04 of 2022, for a period of three months or until further orders, whichever is earlier.
5. Let the matter appear in the list on March 16, 2026 at 2 p.m.

(Shampa Sarkar, J.)