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C.O. 2781 of 2022

**Rajendra Rajak
Vs
Haribans Chowhan & Anr**

Mr. Pinaki Ranjan Mitra,

... For the petitioner.

Mr. Pinaki Ranjan Mitra, learned advocate appearing for the petitioner/defendant, while assailing the order dated 14th June, 2022 passed in Title Suit No. 145 of 2019 by learned Civil Judge (Junior Division), 7th Court, Howrah, submits that no opportunity was given to the petitioner/defendant to participate at the time of holding commission work by the learned inspection commissioner in a suit for eviction, fundamentally taking the ground of reasonable requirement.

It is thus submitted that commission work was held behind the back of the petitioner/defendant, and as such the petitioner/defendant was not left with any opportunity to raise of any voice at the time of commission work.

It is submitted further by the petitioner that the suit has been set for peremptory hearing.

There is nothing available in the case record, if the commission's report has already been submitted followed by acceptance of the same in the meantime.

That being the position, no further elaboration is necessary.

The revisional application is disposed of directing the Court below not to accept the commissioner's report without giving an opportunity of hearing to the petitioner, so that the petitioner may raise his grievance, at the time of accepting Commission's report, the commission's report has not yet been accepted by the Court below in the meantime.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)