

October 9, 2023
Sl. No.16
Court No.19
s.biswas

CO 2316 of 2023

Sri Kartick Das

vs.

sri Tarak Chandra Khan and others

Mr. Ayan Banerjee

Mr. Suman Banerjee

... for the petitioner

Mr. Sukumar Ghosh

Mr. Sandip Ghosh

Mr. Partha Sarkar

... for the opposite parties

This revisional application arises out of an order dated May 8, 2023 passed by the learned Civil Judge (Junior Division), Additional Court, Chandernagore, Hooghly in Title Suit No.173 of 2003.

This court is of the view that when an expert engineer commissioner has been appointed by the trial court to do some commission work and the learned trial judge is of the view that the points for inspection in the application filed under Order 39 Rule 7 of the Code of Civil Procedure, would require an engineer commissioner, no further orders need be passed.

It appears from the record that on an earlier occasion an engineer commissioner was appointed. Such appointment had not been set aside. The report was set aside on certain grounds.

The petitioner is at liberty to approach the learned court below for necessary directions. If the learned court below finds that no competent engineer commissioner is available at the Bar, any

qualified person from the panel of the learned District Judge, can be appointed at the cost of the petitioner.

The revisional application is thus disposed of.

All the parties are directed to act on the basis of the server copy of the order.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)