

Present : Md Hasan Zaman SAJ, Patiya, Chattogram

Today the record is taken up on the strength of put up petition filed by the plaintiff.

Ld. Advocate for the plaintiff filed a petition under **Ordre-26 Rule- 9 CPC** for appointment of a commissioner for holding local investigation.

Ld Advocate for the defendant has seen the petition with serious objection and is present at the time of hearing.

The petitioner has filed this instant petition **U/O 26 Rule 9 CPC** praying for appointment of Advocate Commissioner to hold local investigation in respect of the points mentioned therein. The Ld. Advocate for the petitioners submits that in order to identify and ascertain the actual position of the scheduled suit property, local investigation as per points of schedule needs to be conducted for parent effective adjudication of case.

Oral objection is made against this petition by the defendants. After perusing the case record this Court is of the view that for ascertainment of the points in controversy it is necessary to carry out the local investigation as per points mentioned in the schedule of petition for ends of justice.

Hence, it is, Ordered

that the petition and the same be allowed.

Petitioner is directed to deposit a sum of **TK. 5000/-** towards the Commissioner's fees.

Let **Mr. S. M Rafiqul Islam** be appointed as the Advocate Commissioner for holding local investigation. He is directed to go to the locale after serving due notices to the parties and execute the commission and to report on the points set forth in the schedule of the petition.

Petitioner is directed to serve a copy of the instant petition and to communicate this Order to the Ld. Advocate Commissioner.

Writ will be issued after depositing the cost to the Commissioner and compliance with this order.

To----- for Commissioner's report.