

WBND070000512010



Title Suit/438/2014
Present : Rajib Sarkar
J.O. Code- WB01509
Sri Biswajit Das Vs. Sri Biswanath Sikdar

Order No 280
Date 04.11.2024

Today is fixed for conclusion of further cross examination of Pw1 analogously with T.S. 25/2013 as special last chance id necessary order.

Both parties are represented by separate lawyer's hazira.

Pw1 is also present before this Court today.

Accordingly, Pw1 is called on dock and his cross examination resumes.

Ld. Lawyer for the defendant cross examined in full and discharged.

After that, Ld. Lawyer for the plaintiff files a petition praying for time to adduce more witness which is considered and allowed.

Fix 15.01.2025 for further Pws analogously with T.S. 25/2013 as special last chance id necessary order.

Dictated & corrected by me,

Sd/- Rajib Sarkar
Civil Judge(Junior Division),
Nabadwip, Nadia

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Title suit 158/2010
(R 438/2014)

Further cross examination of Pw1, Biswajit Das resumes today i.e. on 04.11.2024:

Not a fact that I have stated falsely that the defendant has committed certain offenses and are desperate in nature.

Not a fact that I have stated falsely that the defendant is forcibly trying to acquire the veranda adjacent to the suit shop room and is using the same.

It is not a fact that I have never obstructed the defendant in using the said veranda.

It is not a fact that the father of the defendant has been using the said veranda along with the suit shop room as a part of the tenancy for over the last 50 years for the purpose of his business without any objection from any side.

Not a fact that I raised objection for the first time when the rent was enhanced from Rs. 50/- to Rs 120/-.

Voluntarily says : the legal heirs of the previous tenant had surrendered their tenancy right and a fresh tenancy agreement was entered into between myself and the present defendant at a monthly rent of Rs. 120/- in respect of the suit shop room.

It is a fact that the veranda is situated to the adjacent west of the suit shop room over which the defendant is conducting his business.

It is not a fact that the defendant is conducting his business over the shop room as well as the veranda jointly.

It is a fact that the defendant is presently keeping some goods of his business over the said veranda.

Voluntarily says : he has forcibly acquire the same.

I have informed the local PS regarding such forceful acquisition.

It is not a fact that I have stated falsely that the defendant forcibly acquire the veranda.

It is not a fact I am trying to unlawfully evict the defendant.

It is not a fact that it is impossible for the defendant to conduct his business without using the said veranda.

Not a fact that I have stated falsely that the defendant is disturbing my peaceful possession over the suit holding.

Not a fact that I have stated falsely that the defendant is disturbing me by using some local people.

I have not informed the matter to the local councilor in writing.

It is a fact that I have a business of cloths in the Tant Kapor Hat Nabadwip.

It is not a fact that I have stated falsely that I have a reasonable requirement of the suit shop room to conduct my business.

Voluntarily says : My business in the Tant Kapor Hat is on the street and I can be evicted at any time.

It is a fact that till date I have not been evicted and I am continuing my business.

It is not a fact that I have got a trade license in the name of my wife with the malafide intention to evict the defendant.

It is not a fact that even after getting such trade license my wife not conducting any business till date in the room to the adjacent east to the suit shop room.

Contd.....

Title suit 158/2010
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Contd.....

I can not produce any document to show that there is a running business in such room.

I have not conducted any commission work to show such business.

Voluntarily says : she is conducting a business of repairing bags which does not require any documentary transaction.

It is a fact that trade license was for conducting a business of cloths.

I do not know whether every kind of business whether small or big requires to maintain accounts and other documents.

It is not a fact that the defendant did not receive the eviction notice sent by my Ld. Advocate Saileswar Kundu on 13.08.2010.

It is not a fact that the prior eviction notice sent in the month of May 2010 was never canceled.

(Exhibit 12 is shown to the witness)

It is a fact that this is an unregistered agreement.

It is a fact that there is only one witness namely Debasish Bid to the said agreement and the agreement only bears his signature without his address or father's name.

(Exhibit 10 is shown to the witness)

It is a fact that this is an unregistered agreement.

It is a fact that there is only one witness namely Debasish Bid to the said agreement and the agreement only bears his signature without his address or father's name.

It is not a fact that I had taken the signatures of the defendant on these two blank stamp papers by misrepresentation that the same shall be used for some purpose of income tax.

Not a fact that I have deposed falsely before this Court today.

(closed)

Dictated & Corrected by me

Civil Judge (Jr. Divn.),
Nabadwip, Nadia

Civil Judge (Jr. Divn.),
Nabadwip, Nadia