

WBND070001242023



**Title Suit/88/2023**

Present : Rajib Sarkar

JO Code WB01509

**Sushanta Saha Vs. Khokan Ghosh**

Order No. 13

Date : 02.04.2025

Today is fixed for hearing petition 116 of Indian Evidence Act and payment of cost.

Both the parties are present by filing their respective lawyer's hazira.

WO has been filed on behalf of the defendant.

Heard both sides.

Fact remains that the instant suit has been brought for eviction of tenant and the defendant in his WS has admitted the tenancy under para No. 12 but disputed the ownership of the plaintiff. The defendant has claimed that the land over which the suit shop room is situated is the land of PWD and not of the plaintiff landlord. Such plea of the defendant is completely barred U/s 116 of Indian Evidence Act. However, the prayer that has been made in the instant petition is not tenable in the eyes of law. The defendant cannot claim any adversity in the title of the plaintiff since he has already admitted the landlord tenant relationship. But at this stage the plaintiff does not have any relief.

Hence, it is

Ordered

that the instant petition be and the same is rejected on contest at this stage.

Fix 28.08.2025 for examination of parties U/o 10 of CPC and payment of cost.

(Dictated and Corrected by me

Sd/-  
Civil Judge(Jr. Divn)  
Nabadwip, Nadia

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