

Ejectment Suit 07 of 2020

WBNP18-000118-2020

Order dt. 09/03/2026

Today is fixed for passing order in respect of ex parte hearing of the suit.

Let the case record be taken up for passing order.

Perused the plaint, evidence of record and other materials on record.

This is a suit for eviction, recovery of khas possession and mesne profit total valued Rs. 1250/-.

The factual matrix of the plaint case is that the father of the defendants was inducted as tenant by plaintiff's mother (since deceased) in respect of a shop room at the ground floor at 166 B.K. Moitra Road, Kolkata 36 as a monthly tenant which is more fully described in the schedule of the plaint. After demise of original tenant the shop room is totally under lock and key and being damaged by day to day. Plaintiff asked the defendants to quit and handed over the said shop room but they did not pay any heed. The tenancy of the defendants is determined by notice to quit dated 25/02/2020. In spite of that, the defendants neglected to quit, vacate and deliver over the possession of the suit shop room and still in possession even after expiry of the notice period. Hence this suit.

Record reflects that summons were duly served upon both the defendants but they did not turn up. Accordingly suit was heard ex parte.

In order to corroborate the plaint case, one of the substituted plaintiffs namely Sri Ashis Kumar Roy has adduced evidence as P.W.1. The documents which have been submitted are marked as **Exhibit 1 to 10**.

On perusal and consideration of the unchallenged testimony, and materials and evidence on record and having heard and considered the submission of the learned Advocate of the plaintiffs it appears before this Court that the plaintiffs have successfully established the grounds of eviction against the

Ejectment Suit 07 of 2020

Contd...Order dt. 09/03/2026

defendants. Accordingly, the plaintiffs have been able to corroborate and established their suit.

Court fees paid is found to be correct.

Hence it is,

O R D E R E D

that the instant suit be and the same is decreed on ex parte without any order as to costs.

The plaintiffs do get a decree of recovery of khas possession against the defendants from the suit shop room as described in the schedule of the plaint.

The defendants are hereby directed to quit and vacate the suit shop room as described in schedule of the plaint in favour of the plaintiffs within 90 (ninety) days from this day failing which the plaintiffs shall be at liberty to put the decree into execution in accordance with law.

The suit is disposed of accordingly.

The decree shall be drawn in terms of the judgment.

Note in Trial Register.

Let the Judgment be uploaded in the CIS.

D/C by me.

Civil Judge (Jr. Divin)
Bidhannagar
J.O. Code WB 01155