

Ejectment Suit No. 06 of 2013
(CIS No. 5566/2014)
WBNP18-001374-2013

Order dt. 01/08/2025

Today is fixed for hearing of application u/s 151 of C.P. Code filed by the plaintiff along with applications u/s 7 (1) and 7 (2) of WBPT Act filed by the defendant.

Both parties filed their respective haziras. Today the plaintiffs also filed a written notes of argument.

Let all the applications be taken up for hearing.

Heard the Ld. Advocate for both sides.

Perused the plaint, instant applications and other materials on record.

The bone of contention of the application u/s 151 of C.P. Code filed by the plaintiff is that the instant suit is filed for eviction of licensee not u/s 6 of WBPT Act. Therefore, application u/s 7 (1) and 7 (2) of WBPT Act filed by the defendant are not maintainable.

Considering all these, it appears from the plaint that the instant suit is filed for eviction of licensee and recovery of khas possession.

The opening word of the provision of Section 7 of WBPT Act as :

“on a suit being instituted by landlord for a eviction on any of the grounds referred to Section 6.....”

During hearing the Ld. Advocate for the plaintiff cited three judgments reported in 1999 (2) CLJ 49, 2018 (1) CHN (CAL.) 546 and 2020 (2) Indian Civil Cases 466 (CAL.).

Considering the nature of suit, status of the defendant as alleged in the plaint and in view of the ratio of the judgments as cited by the plaintiff, this Court holds that the application u/s 151 of C.P. Code filed by the plaintiff is required to be allowed and consequently the application u/s 7 (1) and 7 (2) of WBPT Act filed by the defendant are liable to be rejected.

Hence it is,

O R D E R E D

that the application u/s 151 of C.P. Code filed by the plaintiff is hereby considered and allowed on contest.

Consequently the applications u/s 7 (1) and 7 (2) of WBPT Act filed by the defendant are hereby rejected on contest as being not maintainable.

The applications are disposed off accordingly.

Fix 09/09/2025 for framing of issues.

D/C by me

Civil Judge (Jr. Divn.)
Bidhannagar, North 24 Parganas.