

EJECTMENT SUIT NO. 35 OF 2024  
C. N. R. NO. WBPS01- 000067 - 2024  
Before Smt. A. Bhattacharya, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 14 DATED 25.11.2025

Plaintiff files hazira.

Defendant files late hazira.

Defendant also files one petition praying for waiving the cost of Rs.10000/- on the ground stated therein.

Defendant has also filed some challans with firisti. Let the same be also be kept with the record.

Today is fixed for filing receipt showing payment of cost of Rs.10000/- to be paid by the defendant to the plaintiff and hearing of the petition under Sec.7(2) of the W.B.P.T. Act. Copy served. Let the same be kept with the record.

Ld. Advocates for both sides are present.

The record is taken up for hearing of the petition filed by the defendant today by filing which it is stated that “the defendant is suffering from Paralysis for which he did not contact with his Advocate and the defendant is a senior citizen aged about 69 years and also one of his sons suffering from Cancer and his treatment undergoing on Ayurveda under Dr. Habibur Rahaman. In view of the aforesaid facts and circumstance, defendant and nor his family member contacted with his Advocate neither provide the Rent Control challans and hence non contacted by the side of defendant.” Ld. Advocate did not submitted/file the challans before the ld. Court and non filing of challans ld. Court imposed the cost of Rs.10000/-. There is no negligence or laches on part of the defendant nor part of his ld. Advocate and pray before the ld. Court to waive the cost of Rs.10000/- as the defendant is not in a position to bear the same. Your Honour may impose the cost at least 500/- for which your petitioner will bear the same otherwise suffer irreparable loss and injury.”

Ld. Advocate for the defendant, at the time of hearing, submits that the defendant is a Senior citizen aged about 69 years suffering from Paralysis. Defendant could not contact with his ld. Advocate. He does not reside in the suit premises but his sons are residing in the suit premises and as such, prays for waiving the cost imposed upon the defendant. In support of his submission, ld. Advocate for the defendant has also filed some medical documents.

On the other hand, it is submitted by the ld. Advocate for the plaintiff that the plaintiff is also a Senior citizen aged about 80 years suffering from various ailments. It is further submitted by the ld. Advocate for the plaintiff that the medical documents

ORDER NO. 14 contd.

filed by the defendant are all false, fabricated and manufactured for the purpose of this suit. Defendant is permanently staying in Bihar since long and as such prays for rejection of the instant petition.

Perused the petition and the materials on record.

Considering the submission of ld. Advocates for both sides, the petition and the materials on record, prima facie, the petition on behalf of the defendant is neither verified nor supported by any affidavit. Secondly, it is a proposal for negotiaton given to the court on behalf of the defendant to reduce the cost from Rs.10000/- to Rs.500/- and not a prayer for reduction on any grounds. Court has exercised its discretion to impose cost upon a party who causes delay in hearing of the suit. There is no scope with the defendant to negotiate treating the court proceedings as a trade in the market.

Now, looking into the medical documents filed on behalf of the defendant, it appears that the defendant namely Md. Sayeed has been stated to be paralysed by one Homeo Clinic. But no supporting documents to show that the defendant is paralysed has been filed. Another copy of prescription of one Dr. Habibur Rahaman with regard to one Md. Sajeed has been filed with different dates spanning between June-July 2025. In this prescription, it is only mentioned as Carcinoma but the exact nature of the disease and the place where the disease has happened has not been stated. No other document has been filed by the defendant to substantiate the disease of Md. Sajid. A bunch of test reports regarding Md. Sajid has also been filed which are of very general in nature and that too were performed only on 20.11.2025. The Doctor whose prescription has been filed sits in a Homeo Clinic as appearing from the prescription itself but according to the petition filed by the defendant, the treatment is Ayurvedic. Thus, I have not found any material to believe the veracity of the documents filed on behalf of the defendant.

Hence, it is ordered that the petition filed on behalf of the defendant neither has merit nor is in proper form. Thus, the same is rejected.

Now, the record is taken up for hearing of the petition under Sec.7(2) of the W.B.P.T. Act.

Heard ld. Advocates for both sides.

Fix 17.12.2025 for filing receipt showing payment of cost of Rs.10000/- by the defendant and passing order in respect of petition under Sec.7(2) of the W.B.P.T. Act.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]