

**EJECTMENT SUIT NO :- 22 OF 2018**  
**(CNR No. WBPS01-001081-2018)**  
**(JO CODE No. WB01229)**

Order no. - 49  
Dt. 05.10.2023

Today is fixed for hearing of petition under Section 151 of the CPC dated 02.12.2022 and hearing of petition under Section 7(3) of W.B.P.T. Act.

Plaintiffs file hazira.

Defendants filed a petition under Order 14 Rule 2 of CPC read with Section 151 of the CPC.

Copy served to the other side.

Heard Ld. Advocate for the defendants who submitted before this Court that the preliminary issue is required to be framed on the point of maintainability of the suit on the grounds stated therein.

Heard Ld. Advocate for the plaintiffs who raised objection.

Considered. Perused the instant petition and other materials on record.

On perusal of the same, it appears that the defendants alleged that the plaintiffs have no right to shoe against the defendants for eviction.

It also appears that issues have not yet been framed in this suit.

Considering the materials on record, one preliminary issue is hereby framed.

“Whether the instant suit is maintainable or not in its present form and law ?”

Both parties are directed to be ready for the said issue.

To 11.01.2024 for hearing of maintainability of the suit.

**[ Dictated and corrected by me ]**

Sd/-  
(Manabendra Nath Ghosh)  
Judge, Bench – II,  
Presidency Small Cause Court,  
Calcutta.

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