

Ejectment suit 55 of 2022 .

[C.N.R No WB PS 01-000742 -2022]

Before Sri Uttam Kumar Shaw:- Ld. Chief Judge.

04.

20-04-2022.

Today is fixed S/R, A/D and appearance.

Record reveals that defendant has entered appearance through his Ld. Advocate . One vakalatnama has been filed by one Nazia Perveen, who is 3rd party in this suit.

Plaintiff files hazira. Defendant files a petition praying for adjournment on the ground of illness of Ld. Advocate.

Applicant Nazia Perveen filed a petition for adding her as a party in this proceedings claiming to have interest over the tenanted property for which the eviction suit is filed. Copy of the plaint of T.S 57 of 2019 is filed.

On call, Ld. Advocate for the plaintiff and for the applicant are found present. Neither the defendant nor anybody on his behalf turns up on call.

The petition filed by the applicant Nazia Perveen is taken up for hearing.

Heard both sides. No written objection filed by the plaintiff but at the time of hearing, Ld. Advocate for the plaintiff raised verbal objection.

It appears from the record that the plaintiff has filed this suit for eviction against the Defendant named Shabbir H.N. Tajjania residing at 6, A.K. Md. Siddiqui Lane, P.S- Park Street, Kolkata 700016.

It further appears from the photocopy of the plaint of T.S 57 of 2019 annexed with the petition filed by the applicant Nazia Perveen that Shabbir H.N. Tajjania, i. e the defendant in the present suit is a tenant in respect of Flat No. 7, at the 2nd floor of premises being 6, A.K. Md. Siddiqui Lane, Kolkata 700016 . It is claimed that from October 2018, the defendant no-1 was inclined to transfer the suit property to a 3rd party (the present applicant) for valuable consideration.

The applicant as such is said to be having interest over the tenanted property and inclined to be added as Defendant no-2. She claimed to be a tenant for premises no 5 A.K. Md. Siddiqui Lane, Kolkata 700016

[6, Wellesley 2nd Lane] on the second floor but no flat number is mentioned.

The photocopy of rent bill annexed with the petition is not convincing as having shown rent for the premises 5 A.K. Md. Siddiqui Lane, Kolkata 700016.

Ld. Advocate appearing for the present applicant submitted that both the premises no 5 & 6 is an undivided property and though the building is one, but there are two premises number for one building complex.

It is very surprising to note that same building is having two distinct and separate premises number. Be that as it may, that ambiguity is required to be cleared in course of the proceedings.

Be that as it may, considering that the name of the present applicant Nazia Perveen has been shown in T.S 57 of 2019 before the Ld. Judge, 5th Bench, at City Civil Court, Calcutta, which fact is not denied by the plaintiff herein, th is Court finds that the applicant/petitioner is a necessary party in the proceedings though having third party interest over the tenanted premises.

Accordingly, the petition filed by the applicant Nazia Perveen is allowed. She is impleaded as Defendant no-2 in this case. She is directed to file written statement at the earliest. The vakalatnama filed by the applicant dated 11/03/2022 is accepted.

Amend the Cause Title of the Plaint accordingly. B.C to do the needful.

So far the adjournment petition filed by the defendant no-1 ie Shabbir H.N. Tajjania is concerned, the petition is having insufficient Court fees.

However, for the ends of justice , prayer for adjournment is allowed but the defendant no-1 is directed to put the deficit Court fees on the next date positively.

To (**06/06/2022**) for filing Written Statement by the defendant no 1 & 2 and filing deficit Court fees by defendant no-1.

Dictated & Corrected

by me

Chief Judge.

Chief Judge.

J.O .Code:- 00372.