

EJECTMENT SUIT NO. 204 OF 2010

ORDER NO. 57 DATED 21.06.2018

Plaintiff files hazira through his ld. Counsel. Defendant files one application for time. Strong objection is raised.

Time prayer is rejected keeping in view the years' long pendency of the case record, which has not yet matured till the Trial stage.

The application of the Plaintiff under Or.16 R.1 C.P.C. is taken up for hearing. By filing the instant application, plaintiff has prayed for an order for summoning the defendant no.2 as witness to establish his presence.

Other side raised strong objection. Heard ld. Advocates for both sides. Considered.

It appears that the instant suit has not yet entered the trial stage and the defendant no.2 cannot be summoned as a witness on any of the grounds stated as stated in the application.

The instant application is misconceived and is rejected on contest without any order as to cost.

The application under Sec.7(3) of the W. B. P. T. Act is taken up for hearing.

Admittedly, defendant has not filed any application under Sec.7(1) and Sec.7(2) of the West Bengal Premises Tenancy Act. So, Plaintiff has come up with the instant application for striking out the defence of the defendant.

It appears from the pleadings that the defendant, in his written statement, has challenged the landlord tenant relationship between them. If that be so, I am of the view that the relationship between the parties need to be adjudicated by framing appropriate issue giving liberty to both sides to produce their respective witnesses in support of their contentions.

Fix 10.08.2018 for P.W. in connection with application under Sec.7(3) of the West Bengal Premises Tenancy Act.

DICTATED AND CORRECTED BY ME,

JUDGE

JUDGE
[5TH BENCH]