

**EJECTMENT SUIT NO. :- 54 OF 2024**  
**(CNR No. WBPS01-000111-2024)**  
**(JO CODE No. WB01165)**  
**Before Smt. P. Shukla, Ld. Judge, 2nd Bench.**

Order no. - 13  
Dt. 29.07.2025

Today is fixed for order.

Both parties filed hazira.

Record is taken up for passing order in respect of petition under Order 7 Rule 10 & 11 of CPC read with Section 21(1) (c) of Commercial Courts Act, 2015.

The substance of defendant's petition is that in the instant suit plaintiff sought eviction of defendant as plaintiff requires the suit property for commercial purpose as stated in para 9 to 11 of the plaint, pertains to a "Commercial dispute", under the Commercial Courts Act, 2015.

Therefore defendant prays to reject / return the plaint under Order 7 Rule 10(2) of CPC.

Although plaintiff has not filed any W/O but raised strong objection during the hearing of the petition.

Perused the plaint.

The plaintiff has not filed any list of documents along with plaint. So no annexure is there with the plaint.

It is settled law that at the time of determination of petition under Order 7 Rule 10 & 11 only plaint and to certain extent annexures should be considered.

On perusal of the plaint, it does not appear that tenancy is commercial tenancy and the requirement of plaintiff is for commercial purpose.

Whether plaintiff has been able to get the eviction on the ground of reasonable requirement is the dispute to be determine by way of trial.

Hence, it is

**ORDERED**

that the instant petition under Order 7 Rule 10 & 11 read with Section 21(1) (c) of Commercial Act filed by defendant on 18.06.2024 is rejected on contest but without any order as to cost.

To 29.10.2025 for hearing of petition under Section 7(2) of W.B.P.T. Act.

D/C by me.

Sd/-

Judge, Bench - II,  
P.S.C. Court, Calcutta.

Sd/-

Judge, Bench - II,  
P.S.C. Court, Calcutta.