

EJECTMENT SUIT NO. 26 OF 2015
C. N. R. NO. WBPS01-000506-2015
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO. 85 DATED 21.11.2024

Both parties file hazira.

Today is fixed for hearing of the petitions dated 02.05.2015, 13.07.2017, 15.06.2022 and the petition under Sec.151 of C.P.C. filed on 13.09.2024.

Ld. Advocates for the parties are present.

The record is taken up for hearing the petitions.

By filing another petition under Sec.151 of C.P.C., defendants have stated that one Samir Kumar Mukherjee along with Ashok Kumar Mukherjee claiming to be trustees/shebaitis of the trust filed this suit for eviction of the defendants. Said Samir Kumar Mukherjee had already expired long ago and Ashok Kumar Mukherjee had also expired almost two years ago but the same has not been disclosed and prays for giving necessary direction to the plaintiff either to furnish death certificate of said Ashok Kumar Mukherjee or if the death of Ashok Kumar Mukherjee is being denied by the plaintiff, then the said Ashok Kumar Mukherjee be directed to be present before this Court.

Ld. Advocate for the Plaintiff admits that Ashok Kumar Mukherjee has expired and in terms of the Trust Deed, the next trustee has already taken over the affairs of the Trust.

Considering the submission of the plaintiff, he is directed to appear with proper steps on the next date.

Unless the representation of the plaintiff deity is not clarified, the other petitions cannot be heard on merit.

Accordingly, the petition under Sec.151 of C.P.C. filed by the defendant on 13.09.2024 is hereby disposed of but without cost.

Fix 31.01.2025 for steps by the plaintiff and also hearing of the other petitions.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]