

Ejectment Suit 89 of 2025.
(CNR No. WBPS01-000-2025.

Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

10.

19/02/2026.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant dated 23-05-2025 , w/o if any in the mean time and also for consideration of petition dated 02/02/2026 filed by the plaintiffs filed u/o- 39 Rule 7 read with Section 151 of C.P Code.

Plaintiff files hazira.

Defendant files W/O against the plaintiff's application u/o- 39 Rule 7 read with Section 151 of C.P Code dt 02/02/2026 Act after service of copy. Let the same be kept with the case record.

Defendant files a petition praying for adjournment of the hearing of application u/s 7(2) of W.B.P T Act on the ground stated therein.

On call, Ld. Advocates for the contesting parties are found present.

The matter is taken up for hearing.

Heard both sides.

Perused the petitions and materials on record.

Considered.

So far hearing of application u/s 7(2) of W.B.P T Act filed by the defendant is concerned, Ld. Advocate for the defendant submitted there are bulk of challans and all the challans could not be arranged properly today and therefore defendant is praying for adjournment of the hearing of the application u/s -7(2) of W.B.P T Act.

Ld. Advocate for the plaintiff raised no objection but submitted that at least the plaintiff's application u/o- 39 Rule 7 read with Section 151 of C.P Code may be heard since the plaintiffs have filed the instant suit on the ground of reasonable requirement as well .

Ld. Advocate for the defendant raised no objection.

Accordingly, the plaintiff's application u/o- 39 Rule 7 read with Section 151 of C.P Code dt 02/02/2026 is taken up for hearing together with its W/O filed by the defendant today.

Heard both sides.

Perused the petition, its w/o as well as materials on record.

Considered.

p.t.o.....

By filing the instant application plaintiffs have prayed for appointment of an advocate commissioner to hold inspection of the premises being no 170/1A, Cotton Street also known as Utkalmani Gopa Bandhu Sarani, Kolkata 700007, P.S -Posta in order to show the accommodation available to the them as well as that of the defendant in respect of that premises.

Defendant has filed written objection against the instant petition of the plaintiff this day.

At the time of hearing, Ld lawyer for the plaintiff submitted in terms of the averments made in the application and has prayed for allowing the petition for local inspection contending inter alia that the plaintiffs have filed the instant suit on the ground of reasonable requirement.

Against this, Ld. Advocate for the defendant has submitted in terms of his written objection and contended that the defendant is in denial of the all the contentions as made out by the plaintiffs in the instant petition .

Defendant raised objection regarding the noting of any other features by the Ld. Commissioner to be pointed out by the respective parties at the time of commission.

It is the further allegation of the defendant as contended in paragraph 04 of the W/O that the plaintiffs have another property at 10, Utakalmani Gobardhan Sarani, Kolkata 700007 and the same is also required to be inspected by the Ld. Commissioner.

Ld. Advocate for the plaintiff in this regard submitted that the defendant has not been able to file any document to show that the plaintiffs are the owner of the said premises.

Heard Ld. Advocates for the parties.

Perused the plaint, written statement, the instant application, its written objection , and materials on record.

Perusal of the plaint reveals that plaintiffs have filed in the instant suit for eviction of the defendant from the suit premises on the ground of reasonable requirement by them along with other grounds . On the contrary, Defendant has denied the same in his written statement.

So, in order to ascertain the actual accommodation available to the parties , and in order to properly adjudicate the real dispute between the parties, local inspection of the premises in question is found necessary. Terms as mentioned in the schedule of the instant application also appears to be legal. Regarding noting of any other features by the Ld. Commissioner to be pointed out by the respective parties at the time of commission, this Court finds nothing objectionable in the same which may be prejudicial to the defendant.

Regarding the allegation as raised by the defendant that plaintiffs have another property at premises 10, Utakalmani Gobardhan Sarani, Kolkata 700007, the defendant is at liberty to prove the same by evidence at the

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time of trial.

At this stage, this Court finds that the instant application of the plaintiffs may be allowed.

Accordingly,

it is,

Ordered

That the petition u/o- 39 Rule 7 read with Section 151 of C.P Code dt 01/08/2025 filed by the plaintiff is hereby allowed on contest but without cost.

Let Smt. Srabani Ghosh (enrolment no WB/1614/1995) practicing advocate of this Bar be appointed as Ld Commissioner to hold inspection in respect of the suit premises, subject to payment of cost Rs. 7,500/- by the plaintiff towards the fees of the Ld. Commissioner .

Ld commissioner is directed to visit the locale after due service of notice upon both sides as well as their Ld. Advocates well in advance and conduct the commission work in presence of both parties in accordance with law in terms of the schedule mentioned in the application, and submit a report thereof before the Court, preferably within one month from the date of receipt of the writ.

Plaintiff is directed to supply copy of the instant application, and other necessary documents which shall be required to facilitate the commission work to the Ld Commissioner.

Both parties are directed to extend full cooperation to the Ld. Commissioner in completion of the Local Inspection. Ld. Commissioner is also directed not to collect any evidence under any circumstances or to act which is beyond the ambit of writ of commission.

To (12/03/2026) for filing receipt showing payment of cost by the plaintiff, thereafter writ shall be issued. To-date is also fixed for hearing of application u/s 7(2) of W.B.P T Act filed by the defendant, w/o if any in the mean time.

Chief Judge.

J.O. Code WB 01130

Ejectment Suit 346 of 2025.
(CNR No. WBPS01-000664-2025.
Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

03.
18/02/2026.

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

Plaintiff files hazira and postal registration receipt and postal track report by phristy.

Plaintiff also files a petition regarding service of summons upon the defendant.

Heard the plaintiff.

Perused the petition and materials on record.

Considered.

So far service reports are concerned, it appears from the bailiff report dated 24/11/2025 that the process returned unserved by the Court bailiff as none could give any proper information about the defendant.

Regarding postal mode of service, neither any envelope or any acknowledge card has been returned so far.

From the postal track report filed by the plaintiff, it cannot be presumed that the postal article has been received by the addressee. Therefore, considering such attending such facts and circumstances, this Court finds that the plaintiff may be directed to take steps for service of summons upon the defendant by substituted manner. In this regard, the petition filed by the plaintiff today regarding service appears to be misconceived and the same is not entertainable.

Fix.....for taking steps by the plaintiff for service of summons through substituted manner.

Chief Judge.

J.O. Code WB 01130.