

EJECTMENT SUIT NO. – 177/2014

Order No.- 35

Dt.-20.08.2018

Plaintiffs filed hazira.

The record is taken up for exparte order.

The plaintiffs' case in brief is that the plaintiffs are the owners of the suit property. The defendant was monthly tenant under the plaintiffs in respect of suit premises at a rent of Rs.136/- per month payable according to English calender month. The plaintiffs served a notice dated 01.01.2014 issued by his Ld. Advocate through registered post with A/D which was received by the defendant. The defendant inspite of receiving the said notice did not vacate the suit premises.

Hence, the plaintiffs have filed this suit on the following grounds :-

1. The defendant is a defaulter since April, 2012.
2. Subletting.

The plaintiff Sri Nirmal Kumar Kothari adduced evidence as P. W-1 in support of the case. She also filed the following documents:-

- Authority letter (Exhibit no. 1).
- Counterpart of rent receipt (Exhibit no. 2).
- Rent bills of the defendant (Exhibit no. 3).
- Ejectment Notice dated 01.01.2014 (Exhibit no. 4).
- Postal receipt (Exhibit no. 4/1).
- Envelope. (Exhibit no. 4/2).

Considering the uncontested oral testimony of the plaintiffs and the documents filed by them, I do not find any reason to disbelieve the plaintiffs. The plaintiffs by filing the notice of eviction has duly been able to prove that the tenancy has been duly terminated on the expiry of the period as stated in the said notice. The plaintiffs have also been able to prove their case by filing other documents.

At this stage, I find no bar to hold that the plaintiffs' case is well proved.

Court Fees paid is correct.

Hence, it is

ORDERED

That the suit be and the same is decreed exparte, but without cost against the defendant.

The plaintiffs do get a decree of recovery of khas possession of the suit property after evicting the defendant therefrom.

The defendant is hereby directed to quit and vacate the suit property and deliver the khas possession of the suit property in favour of the plaintiffs within 60 days from the date of this order in default the plaintiffs are at liberty to execute the order according to the law.

Judge, 2 nd Bench,
Presidency Small Cause Court,
Calcutta.