

Ej. Suit No. 312 of 2022
CNR No. WBPS01-000547-2022

Order No: 20
05.05.2025

Today is fixed for further hearing on the point of preliminary issues.

Both sides filed hazira through their Ld. Advocates.

The Ld. Advocate for the both parties kept arguing on who will adduce the evidence first.

Both parties had been asked to come ready after half an hour, but none appeared for the defendant, though the Ld. Advocate for the plaintiff was present.

In a suit the plaintiff has the right to begin unless the defendant contends that either in point of law or on some additional facts alleged by the defendant, the plaintiff is not entitled to any part of the relief which seeks in which case the defendant has the right to begin.

As a general rule, the party on whom the burden of proof rest should begin. Herein, it is not about the suit but the evidence is in respect of the preliminary issue raised by the defendant. The defendant who has filed the application u/s 7(2) of the WBPT Act, 1997 asserting that the plaintiff is not their landlord, hence, it is the defendant who has to proceed with his evidence but he has neither submitted his examination-in-chief on affidavit nor filed any adjournment petition this day.

Despite that an opportunity is given to the defendant to proceed with his evidence in respect of his application u/s 7(2) of the WBPT Act, 1997, i.d. his application shall be disposed of as none moved.

Fixing **13.06.2025** for further hearing on the point of preliminary issues (APWs).

Dictated and corrected by me:

Judge

Smt. Gladys Bomjan
J.O. Code : 01039
Judge, 3rd Bench,
Presidency Small Cause Court, Calcutta.