

EJECTMENT SUIT NO. : 160 OF 2019
(CNR No. WBPS01-000480-2019)
(JO CODE No. WB01229)

Order no. - 25

Dt. 06.09.2022

Today is fixed for hearing of petition dated 08.11.2019 filed by the plaintiff and commission report.

Both sides file hazira.

Now the case record is taken up for hearing of petition dated 08.11.2019.

Heard Ld. Advocate for the plaintiff submitted that the plaintiff has instituted two separate suits against the defendant for recovery of khas possession which were registered as Ejectment Suit No. 160 of 2019 and Ejectment Suit No. 161 of 2019 and parties of the said both suits are same and grounds are almost same and the documents upon which the parties shall rely on at the time of trial of both the said suits are also the same and hence prayed for trying of both the suits are analogously and prayed for passing necessary order.

Heard Ld. Advocate for the defendant who submitted that though the parties of the both sides are same but there are two separate tenancies in respect of the two suits and two separate eviction notices were issued and prayed before this court that there is no requirement of analogous trial of both the suits.

Considered.

Perused the petition and materials on record.

On perusal of the same, it appears that two separate suits have been filed by the plaintiff against the defendant and parties are the same but the plaintiff has filed suits in respect of two separate tenancies and two separate eviction notices were issued and also issues have been framed.

Considering the same, I do not find sufficient grounds to try the both suits analogously and as such the petition dated 08.11.2019 filed by the plaintiff is hereby rejected on contest.

Let the case be proceeded according to law.

It appears from the record, the plaintiff has not yet been paid the cost of Commissioner.

Accordingly, the plaintiff is hereby directed to pay the Commissioner cost positively in the meantime.

Fix 08.12.2022 for Commission report.

D/C by me.

Sd/-

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

Sd/-

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P.S.C. Court, Calcutta.