

Ejectment Suit 265 of 2024.  
(CNR No. WBPS01-000541 -2024)  
Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

12.

21-01-2026.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant dated 24-10-2025 w/o, if any in the mean time along with direction upon the defendant/ petitioner to file Written Statement within the prescribed period of limitation.

Plaintiff files hazira.

Today one Kalawati Devi, claiming herself to be the wife of the original deceased tenant- Japan Lal Sonkar filed an application u/o-1 Rule 10 of C.P Code on the ground stated therein.

Copy served.

Parties are present on call. The matter is taken up for hearing.

Ld. Advocate for the petitioner submitted that on earlier occasion on 24-10-2025, the present petitioner claiming herself to be the legal heirs of the deceased tenant Japan Lal Sonkar filed applications u/s 7(1) & 7(2) of W.B.P T Act , of which the application u/s 7(1) of W.B.P T Act was allowed by the Court on the self same date. However, since the original tenant Japan Lal Sonkar died on 14-11-2003, it is necessary to bring the present petitioner on record for which the application u/o-1 Rule 10 of C.P Code has been filed by the petitioner.

Ld. Advocate for the plaintiffs raised strong objection and submitted that copies of petitions u/s 7(1) & 7(2) of W.B.P T Act have not been served upon the plaintiffs intentionally by the petitioner . The present petitioner has no locus standi to appear as defendant in the instant suit and file petitions u/s 7(1) & 7(2) of W.B.P T Act , prior to be added as a party to the proceedings. He however did not dispute the fact that Japan Lal Sonkar died on 14-11-2023 which is prior to filing of the suit.

Heard both sides.

This Court finds that it is admitted position of the parties that Japan Lal Sonkar died on 14-11-2023 ie prior to filing of the suit.

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Although perusal of the plaint reveals that the instant suit has been filed against the defendant namely “ Japan Lal Sonkar & Son “ but whether the said defendant is a partnership or proprietorship firm or any other form of entity and upon whom its interest has devolved after the death of said Japan Lal Sonkar , nothing is surfacing before the Court at this moment and in absence of the same, the instant suit cannot be proceeded with at this stage.

Accordingly, further hearing of the matter is adjourned for today.

Fix ( **06-03-2026** ) for hearing on the point of maintainability of the suit.

All the other interlocutory matter shall be considered after satisfaction on the point of maintainability.

Chief Judge.  
J.O. Code WB 01130.