

EJECTMENT SUIT NO. 59 OF 2017

(C.N.R NO. WBPS01-000632-2017)

Before: Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

Order No.52

Dated 03.09.2025

Today is fixed for filing receipt showing total cost of Rs. 20,000/- to be paid by the plaintiff to D.L.S.A., Kolkata and P. hearing of the suit.

Both parties file hazira.

Plaintiff files a petition praying for recalling the order dated 28.03.2025 and 20.06.2025 on the ground stated therein along with another petition praying for adjournment on the ground stated therein . Plaintiff also files a petition praying to withdraw the arrear rent deposited by the defendant in the credit of plaintiff.

Heard Ld. Advocates. Perused the petition praying for recalling the order dated 28.03.2025 and 20.06.2025. On perusal of the record it appears that the suit was fixed for P. hearing of the suit on 07.08.2018. Plaintiff has filed an incomplete affidavit in chief on 21.03.2022. Thereafter, no evidence in chief on affidavit in proper form has been filed by the plaintiff till today. Several times plaintiff prayed for adjournment and cost was imposed upon the plaintiff for two times. But plaintiff has not filed no receipt showing payment of cost imposed upon him even he has not filed affidavit in chief to prove his confide. Accordingly, the instant petition is hereby rejected.

Time prayer of the plaintiff is considered and allowed subject to further cost of Rs. 10,000/- to be paid to D.L.S.A., Kolkata.

Now the record is taken up for hearing of the petition praying for withdraw arrear rent. Heard Ld. Advocate. Perused the petition. Considered.

Plaintiff is permitted to withdraw the rent , if deposited by the defendant in the credit of plaintiff , on proper receipt in accordance with law.

Fix 17.12.2025 for filing receipt showing total cost of Rs. 30,000/- to be paid by the plaintiff to D.L.S.A., Kolkata and P. hearing of the suit.

Judge,
[5th Bench]