

Ejectment Suit No. - 294 of 2023
CIS No. : WBPS01-000608-2023

Order No.- 14

24.06.2025

Today is fixed for hearing of the petition Under Order 39, Rule-7 r/w Section 151 of CPC filed by the plaintiff.

Both sides present by filing hazira.

The defendant filed his written objection this day.

Heard.

Perused.

The plaintiffs have filed the present petition praying for local inspection/commission of the suit premises no. 17/1A/1, Sarkar Street, Kolkata – 700006 and the non suit premises no. 4B, Sitanath Road, Kolkata – 700006, being the rented accommodation of the plaintiff and to ascertain the accommodation of the respective parties therein.

The defendant, on the other hand, raised objection submitting that the plaintiff has another accommodation at premises no. 13/4/1, Jyangra Ghosh Para, Kolkata – 700059 but suppressed the same, hence, prays for rejection of the application.

Generally when there is an eviction suit, the application under order 39 rule 7 of the CPC is allowed if the ground of eviction is reasonable requirement of the plaintiff of the suit premises. This is because it becomes necessary for ascertaining the availability of the suitable accommodation for just decision of the suit. I find that one of the grounds for eviction is reasonable requirements of the plaintiffs and the points mentioned in the schedule of the application are necessary for determination of the actual condition and accommodation of the plaintiffs and defendants in the suit building.

The defendant's objection regarding that the plaintiffs have suppressed another accommodation available to the plaintiffs is a different aspect which cannot be considered herein and if his contention has truth, the plaintiffs will face the repercussion later.

In view of the above, it is,

ORDERED,

that the petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 13.05.2025 is hereby allowed on contest in respect of all the points.

Jyoti Muhury Ld. Advocate of this Court is hereby appointed Advocate Commissioner to hold local inspection in terms of the petition.

Plaintiffs are directed to hand over Rs. 10,000/- (ten thousand) towards fees of the Ld. Advocate Commissioner and file receipt within 15 (fifteen) days from the date of this order.

Plaintiffs are directed to supply a copy of the plaint, petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 13.05.2025 to the Ld. Advocate Commissioner.

Ld. Advocate Commissioner is directed to go to the locale after serving due notice upon both sides, to hold local inspection in terms of all the points and submit report with 1 (one) month from the date of issuance of writ.

Let a copy of this order be served upon the Advocate Commissioner free of cost.

Issue writ accordingly.

To **21.08.2025** for filing Advocate Commissioner's report.

Dictated and corrected by me:

Judge

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