

EJECTMENT SUIT NO. 219 OF 2018
C.N.R. NBO. WBPS01-001286-2018
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO.65 DATED 23.06.2025

Plaintiff files hazira.

No steps taken by the defendant.

Today is fixed for filing receipt showing payment of cost of Rs.10,000/- by the plaintiff in compliance with the direction of this Court and P. Hearing as a last chance in default necessary order will be passed.

Ld. Advocates for both sides are present.

Petitioner has also filed one petition along with annexure with caption "***Affidavit filed by plaintiff to the sheet anchor question of order no.63 dated 02.04.2025 stands in view of matter taken for the consideration being aggrieved upon the order no.63. Hence, filed C.O. No.2122 of 2025 as it running in DCL No.56 AT Hon'ble High Court***" contending, inter alia, that on 15th line of order no.63 dated 02.04.2025, since none of the relevant aspects have been noticed by your Honour, kept in abeyance of C.O. No.3612 of 2022 before Hon'ble Justice Bibhas Ranjan De which is under challenge upon order no.37 dated 03.09.2022 now pending before Hon'ble Justice Dinesh Kumar Sharma, High Court judicature at Calcutta, is a direct corollary of the principles of natural justice allowing the defendant to have a trial free of any prejudice in a fair manner but it does not mean that plaintiff has no right to badger, rather it provides the right to check the facts of a case and ensure that the defendant should not attempt to hide the truth or get some advantage at the cost of the solemnity of Court's proceedings since legitimacy of the written statement filed by the defendant in this Ejectment Suit claiming 1010 per cent ownership of suit property and hence Misc. Case No.41 of 2021 now under challenge. In the premise, it is really important for the defendant to understand that they should not make false/inaccurate statements and/or conceal the facts that are significant for a E/Suit. Since the right emanating from the Art. 200A leads to an inescapable conclusion that no one can be deprived of her fundamental rights nor can be taken away or abridged. Since the legal nodus in this ejectment suit is the correctness of the same is questioned under this ejectment suit urging legal grounds, since it eventually makes the trial of the ejectment suit an apology compels the plaintiff as a whole to suffer for trial of the ejectment suit and compels the plaintiff to suffer chicanery. The act of prejury committed by the defendants by filing false affidavit claiming 100 per cent ownership, since the demise after actual tenant on the basis thereof, defendants had made a claim to remain in possession of a house. Affecting the plaintiff's right of 50 per cent ownership cannot be

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compensated at a belated stage, plaintiff has no qualms in stating that the order no.63 dated 02.04.2025 passed by this Id. Court are prejudiced when engaging with purely legal issues which is under challenge in ejectment suit here and this Court has the inherent powers to do justice which are always there, have the prerogative to study and provide justice through order.

Perused the petition and the materials on record.

Heard Id. Advocates for both sides.

It is not clear from the caption as well as from the contents of this instant application as to what the plaintiff prays before the Court. Even in paragraph No. 2 of the instant application the plaintiff has misquoted the order passed by this Court to take undue advantage by twisting the words written while passing an order by this Court.

The Court has time and again given opportunity to the plaintiff to adduce evidence since 2019. But it is the plaintiff who is avoiding trial and is avoiding to adduce evidence.

Plaintiff files one xerox copy of an application in connection with C.O. No. 3612 of 2022 filed by the plaintiff through her husband whereby many allegations have been made out against Hon'ble Justice Sabyasachi Bhattacharyya, predecessors in office of this Court Smt Leena Sharma and Sri Sridhar Chandra Shu and all by naming them in the said application. The plaintiff herein seems offended by every Court which has passed an order not in accordance to his wishes but in accordance with law. The plaintiff has brought the trial of the suit to a complete halt only on one ground that a cognizance of his allegations be taken against the defendant in pursuance of his application under Section 340 Cr.P.C. However that question has also been set at rest by the Hon'ble High Court at Calcutta in C.R.A. (DB) 369 OF 2024 wherein Hon'ble Court has been pleased to pass vide order dated 10.03.2025 observing that ***“Accordingly, we set aside the order passed by the learned Judge and directed the applicatioon under Sec.340 of the Code of Criminal Procedure shall be disposed of along with the main suit.*”**

We make it clear we have not expressed any opinion with regard to the merits of the case which is kept open to be decided independently by the learned Trial Judge”.

Thus this Court is now left with no option than to comply with the direction of the Hon'ble High Court at Calcutta. However, the said order as much as is binding upon me is also binding upon the party who filed the said application challenging the said order which is the plaintiff herein. The plaintiff is not just defying order passed by this Court but is also clearly defying the directions of the Hon'ble High Court at Calcutta.

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Thus the petition with no prayer is nothing but again an attempt to delay and derail the course of trial of this suit. Accordingly the petition stands disposed of.

Fromf order no0.63 dated 02.06.2025, it appears that the plaintiff was directed to pay cost of Rs.10000/- to D.L.S.A., Kolkata. However, plaintiff has not paid any cost. Plaintiff yet again has not adduced any evidence in compliance with the direction of this Court and also in compliance with the direction of the Hon'ble High Court at Calcutta in connection with C.R.A. (DB) 369 OF 2024. On the other hand, he files a petition without any prayer only with the purpose of killing time.

Plaintiff is directed to adduce evidence on the next date without fail in default of which necessary order will be passed.

Fix 29.10.2025 for evidence of the plaintiff i.d. necessary order.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]

MISC. CASE NO. 41 OF 2021
C. N. R. NO. WBPS01- 000153 - 2021
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO. 66 DATED 23.06.2025

Both parties file hazira.

Today is fixed for filing show cause by the petitioner.

Ld. Advocates for both sides are present.

Petitioner files one petition on affidavit with caption “**Affidavit fikled by plaintiff to the sheet anchor question stands in view of matter trken for the consideration for show cause but no order was uploaded on dated 02.04.2025, Hence, it stands without reply of show**” contending that “I Radha Natyh Nandy is the constituted attorney and husband of plaintiff and has been duly authorized by above named plaintiff as an agernt to plead under Order III Rule1-2 of C.P.C., 1908 as conferrred General Power of Attorney dated 14.12.2014 on behalf of the plaintiff. I, Radhanath Nandy, aged a;bout 70 years, by faith Hindu, by occupation Accredited Press Reporter, residing at 39/1, Block-A, Green Park, P.S. Lake Town, Kolkata-700055 do hereby solemnly affirm and say as under:

In view of only ‘show cause’ on dated 02.04.2025 no order was uploaded, hence, it stands without reply of ‘show cause’.

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I am otherwise competent to swear this application and to affirm this affidavit and the statement made out are all true to my knowledge and belief.”

Heard the husband and Constituted Attorney of the petitioner in person and the ld. Advocate for the O.P.

Perused the petition and the materials on record.

It is however not clear what he intended to state in his afore mentioned captioned application. Only the fact that he is present. The show cause is accepted only for the fact that he is present before the Court.

Petitioner is directed to be prepared for adducing evidence on the next date fixed, in default of which necessary order will be passed.

Fix 29.10.2025 for hearing of the Misc. Case.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]