

Ej. Suit No. 6762 of 2014

Order No. 29
07.08.2017

Plaintiffs present by filing hazira.

Record taken up for hearing argument.

Heard argument on behalf of the plaintiffs.

Record is taken up for passing order.

This is a suit for recovery of khas possession and mesne profit valued at Rs. 550 per month and damages of Rs. 100/-.

The plaint case in a nutshell is that the plaintiff is the absolute owner/landlord of the suit schedule property and the defendant was a monthly tenant under the plaintiff at a monthly rent of Rs. 550/- per month payable as per English Calendar month.

The further case of the plaintiff is that the defendant has committed default from the month of January, 2014. The plaintiffs have filed the present suit on ground of reasonable requirement & default in payment of rent. The plaintiffs sent a notice dated 06.05.2014 to the defendant determining the tenancy and called upon the defendant to quit and vacate the suit premises and deliver up peaceful possession to the plaintiffs. The said notice was received by the defendant and signing the acknowledgment due card on 08.05.2014. In spite of notice the defendant did not comply with the requisition made therein and still is in wrongful use and occupation of the suit premises. The plaintiff has thus filed the present suit for recovery of possession.

Summons were duly served upon the defendant but the defendant failed to appear and contest the suit for reason of which the suit was heard exparte against the defendant.

The plaintiff has examined only one witness in support of his case.

One witness Hiranmoy Sett as PW-1 was examined and discharged.

The following documents were marked as exhibits on behalf of the plaintiff;-

- | | | | |
|-----|---|---|-----------------|
| 01. | K.M.C. Tax receipt | - | Ext.-1, |
| 02. | Counterfoil of rent receipt | - | Ext.-2, |
| 03. | Letter of Attornment | - | Ext.-3, |
| 04. | Ej. Notice dated 06.05.2014, postal receipt
A/D Card & envelope. | - | Ext.-4 (series) |
| 05. | Certified copy of order of T.S. No. 1076/13 | - | Ext.-5, |
| 06. | Hon'ble High Court, Calcutta C.O. No.
3627 of 2009, | - | Ext.-6, |

- | | | |
|--|---|--------------------|
| 07. Three voter Identity Card | - | Ext.-7, 7/a & 7/b, |
| 08. Three Ration Cards | - | Ext.-8, 8/a & 8/b, |
| 09. Trade Licence, Income Tax, return, contractors bill, three numbers of receipt. | - | Ext.-9 (series), |
| 10. Registration certificate of vehicle, Tax receipt | - | Ext.-10 & 10/a, |
| 11. Rent receipt | - | Ext.-11, |
| 12. Notice dated 06.05.2014 | - | Ext.-12, |

I perused exhibit-1. It appears therefrom that the plaintiffs are the owners of the suit premises.

I perused exhibit-2. It appears therefrom that there is relationship of landlord and tenant in between the plaintiffs and the defendant.

I perused exhibit-3. It appears that the tenancy was duly attorned.

I perused exhibit-4 (series). It appears therefrom that notice dated 06.05.2014 has been duly served upon the defendant by putting his signature on the A/D card.

I perused exhibit -7 (series) & 8 (series). It appears that the plaintiffs have proved in their family members.

I perused exhibit-9 (series), 10 & 10(a). It appears that the plaintiffs have proved their reasonable requirement for business purpose.

From the evidence on record, both oral and documentary, I find nothing to disbelieve the unchallenged testimony of the plaintiff.

Thus the plaintiff has successfully proved their case and is entitled to the decree for eviction.

Thus the suit succeeds.

Court Fee paid is correct .

Hence, it is,

ORDERED,

That the suit be and the same is hereby decreed exparte against the defendant without cost. The plaintiffs do hereby get a decree for ejectment and recovery of khas possession of the suit premises by evicting the defendant. The defendant is hereby directed to quit, vacate and hand over vacant khas possession of the suit premises to the plaintiffs within 90 (ninety) days from the date of this order, in default, the plaintiffs will be at liberty to execute the decree through process of law.

The suit thus stands disposed of.

Dictated and corrected by me:

Judge

Judge, 3rd Bench.