

ORDER NO.8 dt.06/08/2026

Plaintiffs file hazira.

Today is fixed for exparte argument of the instant suit and passing order.

Ld. Advocate for the plaintiff is present.

The record is taken up for hearing of the exparte argument of the suit.

Heard argument on behalf of the plaintiff.

Perused the materials on record.

Now, the record is taken up for passing order.

This is a suit of eviction and recovery of khas possession AND MENSE PROFIT valued at Rs.1020/-and Rs.100/-.

The plaint case, in nutshell, is that the plaintiff is the owner/landlord of the premises 32, Bhupendra Bose Avenue, P.S. Shyampukur, Kolkata 700004. The plaintiff states that prior to determination of tenancy, the defendants were monthly tenant under the plaintiff in respect of one self contained flat consisting of two rooms, one kitchen, one bath and privy open balcony situated on the North-East Side of 4th Floor at 32, Bhupendra Bose Avenue, P.S- Shyampukur, Kolkata-700 004, at monthly rental of Rs.85/- payable according to English Calendar month.

The grounds of eviction of the defendants, inter alia, are as follows:--

Defendants are habitual defaulter in payment of rent from July, 1997. The plaintiff reasonably and suitably require the suit premises for setting up of Administrative and Maintenance office storage facility for the building which houses several flats and more than 18 tenants in the building. Since the suit building is getting old, maintenance needs are increasing. Plaintiff needs space for his office.

Plaintiffs caused a notice of ejectment dated 10/06/2025 through their Ld. Advocate Radha Rani Ray, which was sent to the defendants by speed post with A.D but the defendants refused to accept the said notice. By the said notice of ejectment, plaintiff determined the said tenancy of the defendants on the expiry of last

day of month of July, 2025 and requested the defendants to quit, vacate and deliver up peaceful khas possession of the said tenanted accommodation unto the plaintiff by the stipulated time mentioned above in default the plaintiff notified to take recourse of law before appropriate forum for eviction of defendants for which the defendants will be liable to pay all cost and consequences thereof as the defendants have failed to comply with the requisition made by the said notice, hence this suit.

The cause of action of this suit arouse on 1st day of August, 2025 at premises No. 32, Bhupendra Bose Avenue P.S. Shyampukur, Kolkata 700004 within the jurisdiction of this Ld. Court when the defendants failed to comply with the requisitions made by the said ejectment notice and the same is subsisting day to day.

The plaintiffs therefore pray for judgment and decree against the defendants for ::

a) A decree for eviction and recovery of khas possession by evicting the defendants and his men and agents from the suit premises mentioned in the schedule below;

b) A decree for mense profit from the date of defaulter till recovery of khas possession

c) Costs of the suit

d) Such further or other reliefs as to this Ld. Court may deem fit and proper.

After filling of the instant suit, summon of the suit was sent to the defendants in both ways but none appears on behalf of defendants and the suit was fixed exparte against the defendants by Ld.Chief Judge, Presidency Small Cause Court, Calcutta vide order No.3 dated 09/04/2026 and the suit was transferred to the Bench of Ld. Judge 4th Bench, Presidency Small Cause Court, Calcutta vide order No.4 dated 14.05.2026.

Plaintiff in order to prove their case have adduced evidence of plaintiff namely Sumanta Biswas as Pw-1 and documents filed by him has been marked as Exhibits as follows::--

(a) e-receipt for property tax – Exhibit No.1

(b) downloaded copy of certificate of enlistment of the year 2026-2027. –Exhibit--2

- (c) Copy of ejectment notice along with postal registration slip and two returned envelopes with A.D – Exhibit-3 collectively
- (d) Certificate of incorporation-- Exhibit-4 collectively
- (e) Downloaded copy of GST registration certificate - - Exhibit-5

Considering the evidence and documents filed by P.W.-1 it appears from Exhibit No.1 and Exhibit No. 2 that the plaintiff is the owner of the suit property. From exhibit No.3 collectively it is evident that the plaintiffs sent notice to the defendants in their address asking the defendants to quit, vacate and deliver up the khas possession of the suit premises on the expiry of the month of July, 2025 which was refused which is a good service. So, in my view the ejectment notice has duly been served defendants but the defendants did not comply with the said notice and vacate the suit premises.

Not a scrap of paper whatsoever has been filed on behalf of the defendants to contest the suit. The evidence of the plaintiff, oral as well as documentary, has remain unchallenged and un-controverted and hence, I am of opinion that the plaintiff has been able to prove their case beyond any reasonable doubt.

In the result, the suit succeeds exparte.

Court fees paid is correct.

Hence, it is

ORDERED

that the suit be and the same is decreed exparte against the defendants but without any order as to cost.

Plaintiff does hereby get a a decree for recovery of khas possession of the suit premises after evicting the defendants therefrom.

Defendants are directed to quit, vacate and deliver up khas possession of the suit premises within 60 days from the date of this order failing which the plaintiffs will be at liberty to put the decree in execution in accordance with law.

D/C by me

Judge, Bench-4,
Presidency Small Cause Court

Judge, Bench-4,
J.O. Code no. WB01232

EJ 419 OF 2025
CNR NO. WBPS01-000079-2025