

Ejectment Suit No. 244 of 2022
CIS No. : WBPS01-000414-2022

Order No. 25
19.08.2026

Today is fixed for hearing of the petition under order-39, Rule 7 r/w Section 151 of the CPC filed by the plaintiffs on 28.06.2024, written objection, if any, in the meantime.

Parties are present by filing their respective haziras.

Written objection has been filed on behalf of the defendant against the petition under order 39, Rule 7 of the CPC.

Now record is taken up for hearing of the application under Order-39, Rule-7 read with Section 151 of the CPC filed by the plaintiffs.

Heard.

Perused. Considered.

The plaintiffs have filed the present petition praying for local inspection/commission of the premises no. 74, Netaji Subhas Road, Kolkata – 700001, P.S. - Burrabazar and to note the respective possessions of the parties in the suit building and take measurements of such portions and to note the mode of user of their respective accommodations and to take note of any other local feature relevant for the purpose.

On the other hand, the Ld. Advocate for the defendant submitted his written objection this day against the application filed by the plaintiffs. It was contended that apart from the suit building, the plaintiffs have other accommodations also being 125, Bagmari Road, Kankurgachi, Kolkata 700054 and 13, Watkins Lane, Block – B, Third Floor, Howrah 711101 which have been suppressed by the plaintiffs. He also added that the plaintiffs have sufficient accommodations at the suit building itself. Thus, 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 one of the grounds of eviction is reasonable requirement of the plaintiffs of the suit premises. This is because it becomes necessary for ascertaining the availability of the suitable accommodation for arriving at the 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 in the suit building. Whether the plaintiffs have sufficient accommodation at the suit building or elsewhere which they have allegedly suppressed is considered and decided at the final disposal of the suit considering the evidence adduced by the parties.

Ejectment Suit No. 244 of 2022
CIS No. : WBPS01-000414-2022

In view of the above, it is,

O R D E R E D,

that the petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 18.06.2026 is hereby allowed in respect of all points mentioned in the application.

Smt. Kakali Basu Mallik 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 by next date.

Plaintiffs are directed to supply a copy of the petition u/o-39, rule-7 r/w section 151 of C.P.C. dated 18.06.2026 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 **03.09.2026** for filling receipt showing payment of cost.

Dictated and corrected by me:

Judge

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