

ORDER NO. 36 dt.18/04/23

The suit is taken up for passing *ex parte* order. The plaintiffs case in a brief is that the plaintiffs are the owners/ landlords of the premises no.46 Madhu Roy Lane, P.S Girish Park, Kolkata-6 and the defendant was a monthly tenant under the plaintiffs in respect of one room on the ground floor with common user of bath and privy on the ground floor at the monthly rental of Rs.300/- payable according to English calendar month. The defendant defaulted in payment of rent since August, 2012 and it is further contended by the plaintiffs that the plaintiffs reasonably requires the suit premises for their own use and occupation. For which the plaintiffs issued a notice of eviction dt.30/05/17 requiring the defendant to quit and vacate the premises within the last day of July, 2017. The said notice has duly been served upon the defendant on 01/06/17 but inspite of service of notice the defendant did not quit and vacate the premises. Hence this suit.

During trial the plaintiff no.1 Minati Das examined as PW1 and she produced the following documents being marked as exhibits

- 1/ This is the authority letter issued by the other plaintiffs in my favour (dated nil) - Ext.1.
- 2/ This is the property tax receipt of the suit building issued by KMC - Ext.2.
- 3/ This is the counterpart of the rent bill for the month of July, 2016 - Ext.3.
- 4/ This is the copy of notice of eviction dt.30/05/17 - Ext.4.
- 5/ This is the postal initial receipt - Ext.4/A.
- 6/ This is the A/D card - Ext.4/B.
- 7/ These are the five number of Aadhaar cards along with xerox attested copy - Ext.5 simultaneously and collectively (original returned to the Ld. Filing Advocate).

*Perused the plaint, petition and testimonials on record and for Ext.3 ie the counterpart of the rent bill it appears that the defendant is a monthly tenant and no evidence found for making payment of rent from the month of August, 2016 so the defendant is a defaulter and liable to be evicted.*

*On perusal of the copy of notice it is Ext.4 it appears that the defendant was given the entire one month ie July, 2017 for vacating the premises and notice is found delivered upon the defendant on 01/06/17. So the notice is found valid, legal and duly served. There is nothing to disbelieve the unchallenged testimony of the plaintiff and the plaintiffs are entitled to get the decree as prayed for.*

*C.F paid is found correct.*

*Hence, it is*

*Ordered*

*That the suit being EJ 440/17 be and the same is hereby decreed exparte against the defendant but without any order as to the costs.*

*The defendant is hereby directed to quit, vacate and give up peaceful possession of the suit premises within two months from the date of this decree in default the plaintiffs will be at liberty to execute the decree through this court.*

*D/C by me*

*Judge, 4<sup>th</sup> Bench*

*Judge*