

EJECTMENT SUIT NO. 7021 OF 2014

ORDER NO. 32 DATED 05.09.2018

Both parties file hazira through their respective ld. Counsels. The application of the defendant under Or.14 R.2(2) C.P.C. is taken up for hearing. Heard both sides. Perused the application, written objection as well as the materials available on record.

Defendant herein has challenged the relationship of landlord and tenant and has prayed for framing an issue in this respect while disposing of the application under Sec.7(2) of the West Bengal Premises Tenancy Act.

I am of the view that when the relationship between parties is under challenge, the Court need to frame an issue to arrive at a decision in this respect. At the same time, I want to clarify that while disposing of the application under Sec.7(2), the issue of relationship be determined by the Court apparently at this juncture without having opportunity to call for and appreciate the entire evidence on record which is not only permissible but also time consuming.

The Court can keep the issue open for its final adjudication at the time of final hearing/disposal of the suit. Nonetheless, let the following issue be framed at once:-

***Is there any relationship of landlord and tenant, which exists/existed between the Plaintiff and the defendant?***

Fix 16.11.2018 for hearing of the application under Sec.7(2) of the West Bengal Premises Tenancy Act along with evidence in connection with the above framed issue.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]