

EJECTMENT SUIT NO. 7021 OF 2014
C. N. R. NO. WBPS01- 001430-2014
Before Smt. Leena Sharma, Ld. Judge, 5th Bench.

ORDER NO. 48 DATED 17.03.2021

Today is fixed for hearing petition under Sec.7(2) of the Act.

Plaintiff filed hazira.

No steps by the defendant.

On call, none moved for the defendant.

Ld. Advocate for the plaintiff is present.

Perused the record.

It appears from the order dated 27.01.2021 that in spite of strict direction of the Court, defendnat neither filed any show cause nor took any steps nor her ld. Advocate moved the matter for which the application under Sec.7(2) of the Act has been fixed today for hearing plaintiff exclusively.

Ld. Advocate for the plaintiff has submitted that by application under Sec.7(2) of the Act, defendant has prayed for determination of question of relationship as landlord and tenant between the parties which is not maintainable under the present provision of the Act. He has submitted that the defendant in another case has admitted his relation with the present landlord as landlord and tenant which is sufficient to consider him in the present suit as tenant under that landlord i.e. the plaintiff. He has submitted that the instant petition has been filed only to harass the plaintiff. He prayed for disposal of the petition under Sec.7(2) of the Act.

Though none appeared for the defendant for hearing of instant petition, considering the nature of the proceeding and materials on record as appended being noticed is sufficient to take up the instant petition for consideration and disposal on merit.

Considered.

Before passing further order, Court considers it proper to hear further the plaintiff on the matter.

Fix 24.03.2021 for further hearing of argument and order in respect of 7(2) matter.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]
J.O. Code No. WB01006.