

**Ej. Suit No. 346 of 2006**  
**CIS No. : WBPS01-001824-2006**

**Order No. 114**  
**dated 02.04.2024**

Today is fixed for passing order.

The defendant was directed to file all the relevant/documents challans within one week from the date of order dated 11.03.2024 which has not been complied with by the defendant.

At the time of perusal of the case record for the purpose passing order with regard to the application under Section 7(2) of the WBPT Act, 1997, it was observed by the Court that the instant ejectment suit has been filed by the plaintiff against M/s. Ramnarayan Roy a partnership firm being defendant no. 1 and one Gobinda Roy having control and management of the firm as defendant no. 2.

Defendant no. 1 i.e. the partnership firm appeared through his partner Rabindra Chandra Roy by filing vokalatnama on 14.06.2007 and the suit is running exparte against defendant no. 2 Gobinda Roy vide order dated 14.06.2007 as he never appeared in spite of due service of summon.

Defendant no. 1, M/S. Ramnarayan Roy has been contesting the suit by filing written statement and also filed application u/s 7(1) & 7(2) of the WBPT Act, 1997 through his partner Rabindra Chandra Roy. However, during the time of recording evidence of the defendant with regard to the application u/s 7(2) of the WBPT Act, 1997 one Prasenjit Roy claiming himself to be one of the partners of M/s. Ramnarayan Roy came before this Court and he deposed as APW-1. From the evidence of APW-1, it has come into light that his father Rabindra Chandra Roy who was representing the defendant no. 1 partnership firm died during the pendency of the instant suit, though no formal application came before this Court from the side of the defendant to that effect for assignment of the right of defence of the partnership firm upon any other partner on death of the partner Rabindra Chandra Roy who was defending the suit on behalf of defendant no. - 1 the partnership firm.

It is very much important to mention that though APW-1 Prasenjit Roy has claimed himself to be one of the partners of the defendant partnership firm and has categorically stated that the defendant partnership firm is still in existence and running it's business in the suit premises through the other partners, but no document with regard to the same in the form of the partnership deed empowering APW-1 Prasenjit Roy to depose in the present case on behalf of the defendant firm has been filed by the defendant.

That being so, this Court is of the view that for adjudicating the application u/s 7(2) of the WBPT Act, 1997 as filed by the defendant in the light of the evidence adduced by APW-1 and the documents filed by him in support of the application u/s 7(2) of the Act, the partnership deed of the defendant no. -1 partnership firm M/s. Ramnarayan Roy should come before this Court.

Accordingly, the defendant no.-1 is directed to file the partnership deed of M/s. Ramnarayan Roy to establish that Mr. Prasenjit Roy who is representing defendant no. -1 as one of the partners of defendant no. 1 M/s. Ramnarayan Roy by swearing affidavits in different petitions and also in the affidavit-in-chief is really a partner of defendant no. 1 partnership firm and the above named partnership firm is still in existence.

Fixing **10.06.2024** for filing of the partnership deed of defendant no. 1 partnership firm named M/s. Ramnarayan Roy.

**Dictated and corrected by me:**

*Judge*

**Smt. Sudipa Banerjee**  
**(J.O. Code: 01148)**  
**Judge, 3<sup>rd</sup> Bench**  
**Presidency Small Cause Court,**  
**Calcutta**