

D/L48
13.05.2025
Rohit
ct.no.16

SAT 77 of 2025
With
CAN 1/2025, CAN 2/2025, CAN 3/2025

Rama Prasad Bhakat
Versus
Ajay Prasad &Anr

Mr. Rabindra Narayan Dutta
Mr. Sibasis Ghosh
Mr. Hare Krishna Halder
Ms. Reema Jaiswal
Mr. Soham Banerjee

...for the petitioner

1. The present second appeal will be heard on the following substantial questions of law:
 - i) Whether, in view of the substitution of the present appellant in place of the original plaintiff Jagadish Prasad Bhakat having been allowed vide order dated June 26, 2012 in the suit itself, and the present appellant having led evidence regarding his requirement, both the courts below substantially erred in law in coming to the conclusion that the requirement of the plaintiff was not proved.
 - ii) Whether both the courts below acted in a perverse manner in failing to advert to the

relevant evidence on record while holding that the appellant has failed to prove his ground of reasonable requirement and/or addition and alteration in the suit premises as well as the other grounds of eviction.

- iii) Whether the first appellate court substantially erred in law in holding that the title appeal was not maintainable in the absence of locus standi, despite the present appellant having already been substituted as plaintiff in the suit itself and being directly affected by the outcome of the suit.
- iv) Whether the learned Judge of the First Appellate Court erred in law in deciding the appeal without disposing of the pending connected applications.
- v) Whether, on an appropriate reading of the evidence on record, the courts below ought to have granted a decree of eviction in favour of the appellant under the provisions of Section 6 of the West Bengal Premises and Tenancy Act, 1997.

2. CAN 1 of 2025, being an application for production of additional evidence, shall be heard along with the appeal. Affidavits, if any, shall be exchanged in

respect of the same between the parties prior to the hearing of the appeal.

3. The appellant shall serve copies of CAN 1 of 2025, CAN 2 of 2025 as well as CAN 3 of 2025 on the respondents, along with a copy of the memorandum of appeal, indicating that the said applications shall next be listed before the appropriate learned Single Judge having determination at the relevant point of time, subject to being mentioned for inclusion in the list before the said Court.
4. An affidavit-of-service to that effect shall be filed when the applications are next taken up for hearing.
5. The appellant is directed to file the certified copies of the judgment and decree of the Trial Court in the department within a week from date.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)