

10th February,
2026
(AK)
35

S.A.T 284 of 2025
IA No: CAN 1 of 2025

Natun Pathsala and another
VS
Sri Probir Kumar Biswas and others

Ms. Anyasha Das

...for the appellants.

Mr. Gopal Ch. Ghosh
Mr. Rajkrishna Mondal
Ms. Suravi Ghosh

...for the respondents.

1. During hearing of the appeal under Order XLI Rule 11 of the Code of Civil Procedure, it *prima facie* transpires that as per the requirement pleaded by the plaintiffs/respondents, at least 9 rooms are required by them whereas at present 5 rooms are available on the upper floors of the property and a garage on the ground floor, whereas the plaintiffs' requirement also includes the requirement to open a coffee shop/food outlet, which would necessitate a ground floor accommodation as well.
2. From the materials-on-record, we find that the suit premises are comprised of about 7 rooms.
3. As such, in our opinion, a *prima facie* case has been made out of the requirement pleaded by the plaintiffs/respondents being capable of being

satisfied by partial eviction of the tenant from the suit premises.

4. As such, in order to explore the possibility of invoking Section 6(3) of the West Bengal Premises Tenancy Act, 1997, we request learned counsel for the appellants to take instruction from the appellants as to whether they are agreeable to their partial eviction from the suit premises and, if so, the extent of their minimum requirement with regard to the suit premises.
5. The matter be listed next on February 16, 2026 under the same heading.
6. It is expected that the respondents shall not execute the impugned decree in the meantime.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)