

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/142/2013

PODDAR PROJECTS LTD AND ANR
VS
ECONOMIC TRANSPORT ORGANISATION LTD

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 16th July, 2024.

Appearance:

Mr. Debnath Ghosh, Adv.
Mrs. Arunima Lala Sengupta, Adv.
Mr. Suman Majumder, Adv.
..for the plaintiff

Mr. Mainak Bose, Adv.
Mr. Amitabha Roy, Adv.
Mr. A. Bagaria, Adv.
Mr. D. Sonthelia, Adv.
..for defendant.

The Court:- Issue no.4 is recast and accordingly, all the issues are recast as follows:-

- 1) Whether the suit is maintainable in the present form?
- 2) Whether the suit discloses any cause of action?
- 3) Whether the suit is bad for non-joinder of necessary party or misjoinder of party?
- 4)(a) Whether there is a single tenancy between the plaintiffs and the defendant or there are separate tenancies?
- 4)(b) Whether the ownership of 9725 square feet under the occupation of the defendant is undivided and jointly owned by the plaintiffs?

4)(c) Whether the defendant has two separate tenancies in respect of the tenanted premises as alleged by the defendant comprising of 9725 square feet or the same is a single tenancy ?

5) Whether the tenancy of the Defendant was governed by the West Bengal Premises Tenancy Act, 1997 or Transfer of Property Act, 1887?

6) Whether the tenancy of the Defendant was properly determined? Whether the notice determining tenancy is bad in the eye of law or valid?

7) Whether the Plaintiffs are entitled to the decree prayed for?

8) Whether the Plaintiffs are entitled to mesne profit as prayed for?

9) What other relief(s), if any, the Plaintiffs are entitled to? Judge's brief of documents is filed in Court today.

Mr. Ghosh, learned Counsel for the plaintiff seeks for an accommodation for producing the witness.

Witness action is adjourned to 3rd September, 2024.

(SUGATO MAJUMDAR, J.)