

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS/154/2005
IA NO: GA/2/2005(Old No:GA/3094/2005)

THE CALCUTTA GUJARATI EDUCATION SOC. & ANR
VS
KAMARHATTY CO. LTD.

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date :16th January, 2024.

APPEARANCE:

Ms. Noelle Banerjee,Adv.

Mr. Dipak Dey,Adv.

Ms. Megha Das,Adv.

...for the plaintiff.

The Court: The learned Counsel for the plaintiff files suggested issues.

None appears for the defendant. The following issues are framed:

- 1) Whether the suit is maintainable under law as well as under fact?
- 2) Whether the suit discloses any cause of action?
- 3) Whether the landlord-tenancy relationship existed between the plaintiff and the defendant? If so, whether the tenancy was covered under West Bengal Premises Tenancy Act, 1997 or under Transfer of Property Act, 1882?
- 4) Whether the tenancy was duly determined and whether the notice determining tenancy was in accordance with law?

- 5) Whether the notice dated 22.03.2005 determining tenancy was duly served upon the Defendant?
- 6) Whether the defendant is liable to be evicted and whether the plaintiff is entitled to recover possession lawfully from the defendant?
- 7) Whether the plaintiff to any mesne profit with interest on and from 1st May, 2005?
- 8) Whether the plaintiff is entitled to the relief(s), as prayed for?
- 9) What other relief(s) is the plaintiff entitled to?

The suit will appear in the list on 12th February, 2024 for witness action.

(SUGATO MAJUMDAR, J.)