

23 24.08.2021  
AN Ct. No. 04

SA 240 of 2011  
SAT 448 of 2010

Smt. Champa Senapati  
vs.  
Sri Arun Karuri

Mr. Animesh Das  
Mr. Dipankar Ghosh

... for appellant

Mr. Das, learned advocate appears on behalf of appellant, who was defendant in the suit for eviction of licensee. He submits, both Courts erroneously found his client to be licensee though she is tenant. By reason of appellant having been sister-in-law of the owner, since deceased and who was donor to plaintiff, no rent receipt was granted or asked on payment of rent at Rs. 50/- per month. Leaving that aside his client's main contention is that the property, in which the demise, stands acquired by Howrah Improvement Trust (H.I.T.). As such he submits, a question be formulated on whether a suit for eviction of licensee, in respect of an acquired property, can be decreed?

We have perused judgments of the trial and lower appellate Courts. The trial Judge referred to the notice to quit given by plaintiff to appellant, not replied to. On plaintiff's title said Court though said it was there to decide status of defendant and not title of plaintiff, found that there was recital of delivery of possession in the deed of gift, implying acceptance and appellant could not prove

by cogent evidence that the property stood acquired. The lower appellate Court concurred on all findings.

We do not see any question of law arising from the judgments.

SA 240 of 2011 is dismissed.

**(Arindam Sinha, J.)**

**(Saugata Bhattacharyya, J.)**