

17.11.2021
Item No.12
Court No.18
AJ.

C.O. 1844 of 2021
(Via Video Conference)

Sri Brij Gopal Mundhra
-Vs-
Sri Sukanta Dey Roy

Mr. S.N. Dutta.

.....for the petitioner.

The defendant in a suit for eviction is the petitioner of the present application under Article 227 of the Constitution of India which is directed against order dated March 30, 2021 passed by the 1st Court of the learned Civil Judge (Junior Division) at Sealdah in the said suit being Ejectment Suit No. 84 of 2018.

The plaintiff/opposite party is seeking eviction of the petitioner *inter alia* on the grounds that the suit property is required for his own use and occupation.

The petitioner in the said suit filed an application for holding local inspection of the suit property to demonstrate that the plaintiff has suppressed accommodation available to him in the suit property which is sufficient to satisfy his requirement.

The learned Trial Judge, by the order impugned, has dismissed the said application

holding that burden to prove the ground of reasonable requirement is on the plaintiff.

This Court does not find any reason to interfere with the aforesaid finding of the learned Trial Judge.

C.O. 1844 of 2021 is dismissed without any order for costs.

The learned Trial Judge is requested to expedite the disposal of the suit.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)