

Item-4.	18-08-2022	FA 149 of 2011 CAN 3 of 2013 (old CAN 10083 of 2013)
sg	Ct. 8	Kishore Singh & Anr. Versus Kamal Mondal

In spite of service of administrative notices upon the parties, the parties are not represented nor any accommodation is prayed for on their behalf.

The appeal was initially appearing in the Warning List of cases on 15th June, 2022 and thereafter, transferred to this Bench for hearing. The matter continued to appear in the said list till 29th June, 2022 and thereafter, on 30th June, 2022, the matter appeared in the daily list under the heading “For Hearing”. Since the parties were not represented on the adjourned date, we directed the office to issue administrative notice upon the parties by registered post with acknowledgment due. The department has filed a report, wherefrom it appears that the parties have duly served with the administrative notice.

The appeal is arising out of a judgement and decree dated 7th July, 2007 in Title Suit No. 1881 of 2003 passed by the learned Judge, 13th Bench, City Civil Court at Calcutta.

Briefly it is stated that Kamal Mondal filed a suit for declaration and injunction. The plaintiff claimed that he along with his father was inducted as a joint monthly tenant in respect of one room being Room No. 21 along with the user of the open space measuring about 7 feet and 8 ½ feet just in front of the said Room No.21 for kitchen space and space for free ingress and

egress to the said Room no. 21 with common user of bath and privy on the second floor of premises no. 19/1A, Dr. Jagabandhu Lane, P.S. Muchipara, Kolkata at a monthly rental of Rs.40/-. Their landlords were the Trustees to the Debuttar Estate of Sree Sree Radha Gobinda Jew of 12B, Raja Ram Mohan Sarani, Kolkata-700 009. It is alleged that the defendant nos. 1 and 2 in collusion with the defendant nos. 3 and 4 were threatening the plaintiff to vacate the said premises. Apprehending a possible dispossession without due process of law, the instant suit was filed for declaration and injunction.

The plaintiff was able to establish that he was inducted as a tenant and continued to reside as tenant along with his father in the property in question and the said evidence has remained unshaken in the cross examination.

We agree with the findings arrived at by the learned Trial Court with regard to declaration of the plaintiff as a monthly tenant. The suit was, in fact, decreed in part. The decree is upheld.

The appeal stands dismissed. In view of the dismissal of the appeal, the connected application is, accordingly, dismissed. However, there shall be no order as to costs.

The LCR be sent down to the Court of learned Judge, 13th Bench, City Civil Court at Calcutta.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)