

04.08.2022
Item No.14
Court No.18
AJ.

S.A. 31 of 2014

I.A. No: CAN 8 of 2017 (old CAN 2635 of 2017)

Smt. Tapati Mukherjee & Ors.

-Vs-

**Gita Rani Ghatak, since deceased,
her heirs and legal representatives
Sri Sachindananda Ghatak & Ors.**

Mr. Saunak Bhattacharya,
Mr. Saunak Mondal.
.....for the appellants/petitioners.

Affidavit of service filed on behalf of the appellants/petitioners be kept with the record. None appears on behalf of the respondents.

The application being CAN 8 of 2017 (old CAN 2635 of 2017) filed by the plaintiffs/appellants praying withdrawal of the appeal with a leave to file a fresh suit for eviction against the respondents.

The plaintiffs' suit under the West Bengal Premises Tenancy Act, 1956 seeking eviction of the defendants *inter alia* on the ground of reasonable requirement was dismissed by the learned Trial Judge. In appeal, the decree of the learned Trial Judge was affirmed.

In the meantime, the new rent control legislation replacing the old one being West Bengal Premises Tenancy Act, 1997 has come into force.

The appellants claim that new grounds of eviction of the respondents are available to them under the said Act of 1997 as such they want to withdraw the present appeal with a leave to file a fresh suit under the said new Act.

As prayed for S.A. 31 of 2014 is dismissed as not pressed without any order as to costs.

This order however will not prevent the appellants to initiate appropriate proceeding for eviction of the respondents from the suit property in accordance with law.

CAN 8 of 2017 (old CAN 2635 of 2017) is, thus, allowed without any order as to costs.

The Lower Court Records be sent down immediately.

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.)