

05.07.2022
SL No.5
Court No.8
(gc)

**SA 311 of 2007
With
CAN 1 of 2004
(Old No: CAN 1858 of 2004)**

**Haran Chandra Mukherjee
Vs.
Dakshesh @ Dakshare B. Patel
(Through Video Conference)**

The second appeal appeared in the warning list on 22nd June, 2022 and continued to appear in the list until it was transferred to the daily cause list on 28th June, 2022.

The appellants are not represented.

This second appeal is directed against a decree of affirmation. The plaintiff filed a suit for eviction under the provisions of the West Bengal Premises Tenancy Act, on the ground of reasonable requirement. The plaintiff's son is a doctor. The plaintiff was able to establish at the trial that three rooms are necessary to fulfil the requirement of his son to facilitate his medical practice. Exhibit 14 along with other evidence led clearly establish the reasonable requirement of the plaintiff. The learned Trial Court has come to a finding that the plaintiff requires one room for examination of patients of the doctor, one room for consultation and another room for waiting room. Such separate arrangements are essential to perform the duties of a medical practitioner. The said requirement not being illusive. We do not find any reason to interfere with the

concurrent findings arrived at by both the Courts. There is no substantial question of law involved in admitting the second appeal.

Accordingly, the second appeal and the connected application stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)