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C.O. 941 of 2022

**Nemai Chandra Maity @ Nemai Maity
Vs
Sadananda Saha & Anr.**

Mr. Shibaji Kumar Das,
Mr. Ahshan Ahmed,

... for the petitioner.

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal.

... for the opposite parties.

The subject matter of challenge in this revisional application is against the order dated 25th March, 2022 passed by the learned Civil Judge (Junior Division), Bidhannagar, North 24 Parganas in connection with Ejectment Suit No. 18 of 2021 rejecting the prayer under Order 7 Rule 11 of the Code of Civil Procedure.

Mr. Shibaji Kumar Das, learned advocate appearing for the petitioner/defendant submits that no cause of action has been disclosed in the averments contained in the plaint, without which the institution of the suit is bad in law.

Upon advertng to para 1 of the plaint, Mr. Das submits that petitioner is not a tenant under opposite parties/plaintiffs, thereby disputing with the relationship of landlord and tenant.

As per submission disclosed by Mr. Das there is a separate application under Section 7(2) of the West

Bengal Premises Tenancy Act, already filed by the petitioner, which is pending for decision.

Per contra Mr. Partha Pratim Roy, appearing for the opposite parties/plaintiffs submits that upon reading the each and every averments contained in the plaint, the cause of action for the suit may be easily ascertained.

According to Mr. Roy, since it is a suit for eviction taking the ground of reasonable requirement etc., the point now raised may be best addressed in connection with petition pending for disposal under Section 7(2) of W.B.P.T Act.

Having considered the submission of both sides, it appears that there cannot be any controversy that relationship between the parties in a suit for eviction, if there be any, may be best addressed in connection with an application under Section 7(2) of W.B.P.T Act. When admittedly an application under Section 7(2) of W.B.P.T Act is pending, the dispute with regard to the relationship between the parties necessarily may be best decided under Section 7(2) of W.B.P.T Act.

That being position the revisional application may be disposed of giving liberty to petitioner to challenge the relationship between the parties, as to the landlord and tenant, in connection with pending application under Section 7(2) of W.B.P.T Act.

If any such point is raised connected with the

disposal of under Section 7(2) of W.B.P.T Act, the same may be resolved by the Court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournments.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)