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C.O. 2154 of 2022

**Sudeep Khanna
Vs
Smt. Bandana Sen & Ors**

Mr. Debdatta Saha,
Mr. Subhamoy Dewanji, ... For the petitioner.

Mr. Sarosit Dasgupta,
Mr. Prasanta Naskar,
... For the opposite parties.

The sum and substance of the challenge raised by the petitioner is that some of the plaintiffs have suppressed their permanent addresses in the cause title of the plaint, which on being detected, steps have been taken after adhering to the Order 6 Rule 14A of the Code of Civil Procedure to stay the suit.

Admittedly, this is a suit for eviction instituted in the year 2013, and the plaintiffs/opposite parties instituted the suit by their constituted power of attorney.

Petitioner has been sought to be evicted from the suit premises mentioned in the schedule to the plaint.

It is submitted by the learned advocate for the petitioner that such suppression of address of some of the plaintiffs could be gathered during the cross-examination of PW-1. Taking recourse to the materials available in the cross-examination, learned

advocate for the petitioner submits that it is a fit case to invoke Order 6 Rule 14A C.P.C., otherwise there may be miscarriage of justice.

It is also contended by the learned advocate for the petitioner that though there is a provision to change the registered address already furnished in the cause title of the plaint, but no such exercise has been taken to correct and/or modify the registered address of the plaintiffs, already furnished.

Mr. Sarosit Dasgupta, learned advocate for the opposite parties/plaintiffs submits that the address mentioned in the cause title of the plaint of plaintiffs are their permanent address, and it is for the present occupation of some of the plaintiffs, they have been temporarily forced to stay elsewhere, other than the registered address, shown in the plaint. Such temporary address of some of the plaintiffs, which is connected with the present employment, may not be described to be the permanent and registered address of the plaintiffs.

It is also submitted by the learned advocate for the opposite parties that change of address, if there be any, would not help the petitioner to frustrate eviction proceeding subject to prove of grounds, as available under Section 6 of the West Bengal Premises Tenancy Act.

It is further submitted by the opposite parties that this is nothing but a dilatory approach adopted simply to cause delay to the disposal of the suit, already instituted in the year 2013.

Having considered the submission of both sides, it appears that verification of the registered address of the parties has been done at the appropriate stage, as mentioned in the Code of Civil Procedure.

Such point could not be taken earlier even in the written statement, filed by the petitioner/defendant. It is at the stage of cross-examination, such defects in the address of some of the plaintiffs have been sought to be encashed, taking the mischief mentioned in Order 6 Rule 14A C.P.C.

This court shares the same view, as expressed by the learned advocate for the opposite parties, that defect in the address of plaintiffs, as mentioned in the cause title, if there be any, would not help the petitioner to frustrate the eviction proceedings, subject to prove of the grounds as available under Section 6 of the West Bengal Premises Act.

This is a case, wherein there has been previous rejection of prayer under Order 7 Rule 1 C.P.C. filed by the petitioner/defendant. However, for the alleged suppression of the address, if there be any, the

adverse effect if there be any, likely to affect the plaintiff, but not to defendants.

Therefore, the revisional application is without any merits.

Since learned advocate appearing for the petitioner expresses some financial inconvenience to pay off the cost of Rs.5000/-, as already ordered by the court below, dated 24th June, 2022, the costs so awarded stands waived. The petitioner thus need not deposit the costs.

The impugned order is thus modified to the extent mentioned hereinabove. Other portion of the order will, however, remain unchanged. Since there has been sufficient time elapsed in the meantime, the logical conclusion of the suit may be reached expeditiously as possible, preferably before the end of June, 2023.

While endeavouring such exercise, an opportunity of hearing must be extended to either of the parties to this case.

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)

