

12 04.4.2022  
Sc Ct. no.8

**SA 99 OF 2021**  
**with**  
**I.A. No. CAN 2 OF 2020**  
**with**  
**I.A. No. CAN 3 OF 2020**

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Parimal Chandra Deb Roy  
-vs.-  
Smt. Tapati Nath & Ors.

Mr. Arijit Bardhan  
Mr. Rishabh Dutta Gupta  
Ms. Archita Roy.

... For the Appellant/  
Defendant

The second appeal has come up for hearing.

We have heard learned advocate appearing for the appellant. The suit was decreed on the ground of reasonable requirement. There is a clear finding that the plaintiffs' family consisting of seven members which had further increased during the course of proceeding in the suit as could be ascertained from the evidence of the parties. The plaintiffs having regard to the number of family members, are required to be accommodated. It is crystal clear that three rooms are inadequate for their residence. Moreover, it is clear from the evidence that the plaintiff nos. 3 and 4 intend to run business. In fact, the plaintiff no. 3 has a business of photography and it has been rightly contended by both the courts that the plaintiff nos. 3 and 4 may require shop room for business also because the landlord has every right to use any room

in his property according to his choice. It also comes out from the evidence that the plaintiff nos. 3 and 4 are unemployed and they require to run their business from the tenanted shop room. The plaintiff nos. 2 to 4 are married and have one children each and all of them except the plaintiff no. 2 reside at the suit premises. It was on the basis of clear findings on fact that we are not inclined to admit this second appeal as no substantial question of law is involved in the second appeal.

The second appeal is not admitted. The appeal and the connected application stand dismissed.

**(Ajoy Kumar Mukherjee, J.)**

**(Soumen Sen, J.)**