

28.11.2023
Item No.16
Court No.18
AJ.

C.O. 2685 of 2023

Mohammad Israil & Anr.

-Vs-

Arjun Sharma & Ors.

Mr. Aniruddha Chatterjee,
Mr. Arif Ali.

....for the petitioners.

Mr. Chayan Gupta,
Mr. Ashutosh Singh,
Mr. Rahul Sharma.

....for the opposite party
nos.5 to 12.

The revisional application under Article 227 of the Constitution of India is at the instance of plaintiffs in the suit for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997 and is directed against order dated July 21, 2023 passed by the learned Chief Judge-in-Charge, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 284 of 2022.

The opposite party nos. 5 to 12 claiming to be the heirs of one of the joint tenants in respect of the suit property filed an application for their addition in the suit.

The learned Trial Judge by the order impugned has allowed the said application.

The devolution of tenancy upon the said heirs of the said joint tenant is in dispute. The scope of the suit does not permit enquiry into the said dispute.

The said heirs, if have any independent right, title and interest over the suit property, it is always open to them to avail other courses of law to establish such right but not in the present suit.

The order impugned therefore is not sustainable and is accordingly set aside.

C.O. 2685 of 2023 is allowed. There shall be no order as to costs.

Hearing of the suit be expedited.

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.)