

12.09.2023
Court No. 19
Item no.14
CP

C.O. No. 3633 of 2022

Sanjay Talwar
Vs.
Smt. Sarjeet Kaur & anr.

Mr. S. S. Ray
Mr. Amarnath Agarwal
... for the Petitioner.

Mrs. Debanjana De
.....for the opposite parties.

The petitioner is aggrieved by the order dated August 23, 2022, passed by the learned Judge, 4th Bench, Small Causes Court at Calcutta in Ejectment Suit No. 179 of 2012.

By the order impugned, an application for local inspection, filed by the tenants in respect of the suit property situated at Premises No. 14, Western Street, P.S. Bowpazar, Kolkata, was allowed.

The suit is for eviction, on the ground of reasonable requirement and default. The case of the defendants was that the suit premises was occupied by various tenants and, as such, the ground of reasonable requirement was not tenable, in the peculiar facts. The reasonable requirement of the plaintiff was not real, but illusory. Hence, a commission was required for bringing on record the current status of the suit property.

The contention of the learned advocate for the petitioner is that the commission was allowed in

respect of a property at New Town belonging to the son of the plaintiff. Such contention is not correct. Rather, it has been submitted by the learned advocate for the tenants that the commission was held in respect of the suit premises and the report is yet to be filed in court.

The law is well settled that in a suit for reasonable requirement, the available accommodation of the landlord can be brought on record by local inspection.

Under such circumstances, this court does not find any reason to interfere with the order impugned. The revisional application is dismissed.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)