

*In The High Court At Calcutta  
Civil Revisional Jurisdiction  
(Appellate Side)*

**C.O. 558 of 2023**

**Ashok Kumar Basak & Anr.**

**Vs.**

# Rabindra Nath Basak

Mr. Abhijit Ray,  
Mr. Gautam Ray,  
Ms. Piali Banerjee ... For the petitioners.

Ms. Sima Sengupta ... For the opposite party.

Affidavit-of-service filed on behalf of the petitioners be kept with the record.

The plaintiffs in a suit for eviction are the petitioners of the instant application under Article 227 of the Constitution of India, which is directed against the Order No. 67 dated August 26, 2022 passed by the learned Judge, 4<sup>th</sup> Bench, Small Causes Court at Calcutta, in the said suit being *Ejectment Suit No. 447 of 2012*.

The learned Trial Judge by the order impugned has refused the prayer of the petitioners to recall the P.W.1.

The plaintiffs are praying a decree of eviction of the opposite party from the suit property, *inter alia*, on the grounds of reasonable requirement; in order to succeed on the said ground, the plaintiffs are obliged to prove that they do not have any reasonably suitable accommodation elsewhere. To discharge the said obligation, the plaintiffs are praying recall of P.W.1 to demonstrate that the entire ground floor of the suit premises is under occupation of different tenants.

The plaintiff should be given a chance to prove the same;  
the order impugned therefore is set aside.

This Court is informed that **August 12, 2024** is the next date fixed in the suit.

The learned Trial Judge shall allow the P.W.1 to adduce further evidence, but such evidence, including the cross-examination, must be concluded on the said date.

C.O. 558 of 2023 is thus disposed of with the above terms without any order as to costs.

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.)**