

ML88
July 24
sandip
Ct. 19
30.07.2024

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

C.O. No. 1477 of 2024

**Benazir Kazi
Vs.
The State of West Bengal & Ors.**

Mr. Debashis Roy,
Mr. Soumya Roy,
Mr. Shuvanil Chakraborty,
Mr. Sougata Mitra,
Ms. Soma Chakraborty ... For the petitioner.

The instant application under Article 227 of the Constitution of India is directed against the Order No. 19 dated March 28, 2024 passed by the learned Judge, 13th Bench, City Civil Court at Calcutta in Miscellaneous Appeal No. 22 of 2022.

The mother of the petitioner has suffered an order of eviction under Section 9 of the Murshidabad Estate (Management of Properties) and Miscellaneous Provisions Act, 1980 and aggrieved thereby has preferred an appeal under Section 9B thereof.

The petitioner being the daughter of the original tenant sought to add herself in the said appeal on the ground that her mother has become old and infirm to take steps in the pending appeal.

The appeal Court below by the order impugned has dismissed the said application.

Mr. Roy, learned senior advocate for the petitioner submits that notice of eviction under Section 8 of the said Act of 1980 is required to be given to all occupiers of the

said property but the same was not given to the petitioner.

The ground of non-service of notice may affect the order of eviction on merit but cannot be a ground for addition of the petitioner in the appeal, therefore this Court is not inclined to interfere with the order impugned.

However, this order will not prevent the petitioner to question the legality and propriety of the order of eviction in accordance with law.

C.O. 1477 of 2024 is thus disposed of with the above observations 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.)