

Item-
6. 15-05-2024

FAT 130 of 2024
CAN 1 of 2024

sg Ct. 8

Manoj Goyal
Versus
Krishna Samanta

Mr. Shiv Shankar Banerjee, Adv.
Mr. Shubham Banerjee, Adv.
Mr. Nilarnab Paul, Adv.
...for the appellants

1. The appeal is rising out of an order passed by the learned Judge, Bench-XII, City Civil Court, Calcutta on 4th April, 2024 refusing to pass ad interim order of injunction without the service of notice upon the parties.
2. It appears that the Estate “Estate Rasamay Samanta & Tirthapada Samanta” was a lessee under the Kolkata Port Trust for a period of ten years with effect from 1st March, 1966. It is alleged that on 8th July, 2014, the representative of the Estate Department of Kolkata Port Trust issued an eviction notice in the name of the Estate, “Estate Rasamay Samanta & Tirthapada Samanta” intimating the final order of eviction that has been passed by the Estate Officer, Kolkata Port Trust on 31st May, 2014.
3. The appellant appears to have admitted that from 1966 to 1979, the predecessor of the petitioner had paid rent to the “Estate Rasamay Samanta & Tirthapada Samanta” directly but since December, 1979 till date, the petitioner has been paying rent in the office of the Rent Controller as the “Estate Rasamay Samanta & Tirthapada Samanta” refused to take rent from the petitioner.
4. There is nothing on record to show that the continuation of

the petitioner during the initial period of ten years or subsequent thereto was with the premisses of the Kolkata Port Trust. The Kolkata Port Trust also appears to have initiated an eviction proceeding against the Estate.

5. On such consideration, we are of the view that the learned Trial Court has rightly refused to exercise its discretion and directed the matter to be listed on 5th June, 2024 for appearance of the opposite party and hearing on the maintainability point.
6. The appeal and the application accordingly fail. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Uday Kumar, J.)