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Ct. No. 04

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S.A.T. 134 of 2022

CAN 2 of 2023

Purna Adhikary & Ors.

Vs.

Manorama Patra & Ors.

Mr. D. N. Chatterjee,

Mr. R. K. Biswas,

Mr. Santanu Mondal.

... for the appellants.

Both the Courts below have concurrently found that the plaintiffs/respondents have been able to make out a case for eviction on the ground of violation of Clauses (m),(o),(p) under Section 108 of the Transfer of Property Act, building and rebuilding and reasonable requirement.

It is a specific case of the plaintiffs that their family consists of fifteen members and the present accommodation available to them is too scanty and does not cater the actual need. The Advocate Commissioner was appointed. The report was submitted indicating the accommodation available to both the parties as well as the manner of use thereof.

A serious issue was raised by the defendants/appellants that there is no relationship of 'landlord and tenant' between the parties and precisely for such defence having taken a specific issue was framed. The Court found that there is a relationship of 'landlord and tenant' and thereafter proceeded to decide whether the grounds for eviction have been proved.

Section 13 of the West Bengal Premises Tenancy Act, 1956 contains the grounds on which the Court can pass a decree for eviction against the tenant. It is manifest therefrom that any one ground made out by the landlord is sufficient enough to grant a decree for

eviction. The existing building has been found by both the Courts below, in such state of situation not conducive to meet the requirement of the plaintiffs/respondents, it is required to be built or rebuilt and the plaintiffs/respondents have also taken such stand.

The landlord is the best judge in relation to the requirement unless such requirement appears to be fanciful. The moment the Court found that the plaintiffs/respondents have been able to prove the requirement to be reasonable and further held that after building and rebuilding it would cater the need, we do not think that there is any element of substantial question of law involved in the instant appeal.

Thus the appeal is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)