

S/L 21
10.7.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2394 of 2024

Smt. Uma Beriwal @ Beriwal & Ors.
Vs.
Sree Shree Iswar Annapurna Mata & Ors.

*Mr. Mukul Lahiri, Senior advocate,
Mr. Sovan Bera*

...for the Petitioners.

The defendants in a suit for eviction are the petitioners in the instant application under Article 227 of the Constitution of India which is directed against the Order No.132 dated May 13, 2024 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta in the said suit being Ejectment Suit No.473 of 2005.

The petitioners, to demonstrate that during the pendency of the suit, have obtained possession of one room, one bath-cum-privy and one kitchen at the ground floor of the suit premises in execution of a decree passed in another eviction suit, had prayed for inspection of the said portion of the suit premises.

The learned Trial Judge, by the order impugned, has dismissed the said application holding that when the plaintiff is admitting that they have obtained such possession, there is no necessity of such inspection as prayed for.

Mr. Lahiri, learned senior advocate for the petitioner submits that the suit being on the ground of reasonable requirement, the extent of available accomodation of the plaintiffs is a relevant consideration

in deciding the said issue, as such, the inspection, as prayed for, is necessary.

Heard Mr. Lahiri; perused the materials on record.

It is rightly submitted by Mr. Lahiri that in a suit for eviction, on the ground that the plaintiffs reasonably require the suit property for their own use and occupation, the extent of present available accommodation of the plaintiffs has to be taken into account, but as the plaintiffs themselves are admitting that they have obtained such possession during the pendency of the suit, to ascertain the extent of the said possession, inspection is not necessary.

The order impugned, therefore, does not call for any interference.

CO 2394 of 2024 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)