

D/L- 10
25/02/2025
Ct. No.-6
Aritra

C.O. 604 of 2025

**Arun Kumar Bengani
Versus
Anup Kishore Sen since deceased
represented by heirs Basanti Sen & Ors.**

Mr. Joyjit Roy Choudhury
Mr. Vineet Kothari
...for the petitioner

Mr. Ratul Das
Mr. Shoham Sanyal
....for the OP

This application under Article 227 of the Constitution of India is at the instance of the defendant No.1 in a suit for eviction under the West Bengal Premises Tenancy Act, 1997, challenging the order dated January 10, 2025, passed by the learned Civil Judge (Sr. Div.), 4th Court, Alipore in Ejectment Suit No.20 of 2021.

By the order impugned the application under Order 39 Rule 7 of the Code of Civil Procedure filed the petitioner herein stood rejected.

The learned advocate appearing for the petitioner submits that the plaintiffs/opposite parties herein have filed the suit for eviction, *inter alia*, on the ground of reasonable requirement. In order to prove that the plaintiff is in possession of alternative suitable accommodation, holding of local inspection is necessary.

Per contra the learned advocate appearing for the opposite party submits that the suit for eviction was filed on the ground of default, reasonable requirement and also for subletting. He further submits that in course of hearing of the application under Order 39 Rule 7 of the Code of Civil Procedure it was specifically submitted by the plaintiffs that they are relinquishing the claim of reasonable requirement.

On a query of this Court the learned advocate appearing for the plaintiffs/opposite parties herein submits that the opposite parties have relinquished their claim of reasonable requirement and they will not press such ground in course of hearing of the suit.

In the light of the submissions made by the learned advocate for the opposite parties herein this Court finds that there is no necessity for holding local inspection.

In view thereof this Court is not inclined to interfere with the order impugned. The learned Civil Judge (Sr. Div.), 4th Court, Alipore is requested to dispose of the Ejectment Suit No.20 of 2021 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

With the above observation CO 604 of 2025 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)