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03.03.2025
Court No.6
BP

C.O. 607 of 2025

Hindusthan Music Publishing Private Limited
-versus-
Smt. Illa De & Anr.

Mr. Shounak Mukhopadhyay
Ms. Shyantee Datta
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction under the West Bengal Premises Tenancy Act, 1997 challenging an order dated 30th January, 2025 passed by the learned Judge, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 150 of 2019.

The opposite party herein filed a suit for eviction against the petitioner, inter alia, on the ground of default and reasonable requirement. In connection with the said suit the opposite party filed an application under Order XXXIX of the Code of Civil Procedure.

Learned advocate appearing for the petitioner vehemently submits that the point numbers (e) and (f) as mentioned in the schedule of local inspection is not

necessary and the opposite party herein is trying to improve upon the case made out in the plaint. The point nos.(e) and (f) in the schedule of the said application are set out hereunder.

“e) To note the mode of use of the room/rooms as occupied by the defendant in the suit property.

f) To note the present condition of the room/rooms at the suit property which is/are in possession under the defendant.”

After going through said points this Court is of the view that in a suit for eviction on the ground of reasonable requirement points nos. e and f are also necessary for the purpose of deciding as to whether the plaintiff requires the suit premises or not.

By the order impugned the learned trial judge allowed such application and appointed a commissioner for holding local inspection. It is well settled that in a suit for eviction on the ground of reasonable requirement the plaintiff has to prove the accommodation available to him and also that he reasonably requires the suit premises for the occupation of himself and his family members. The learned trial judge applied for correct legal tests for deciding such an application.

In view thereof, this Court is not inclined to interfere with the application.

Accordingly, C.O. 607 of 2025 stands disposed of.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)