

February 25, 2025
Sl. No.30
Court No.6
s.biswas

CO 638 of 2025

Ashok Saraf
vs.
Evergreen Sales Pvt. Ltd.

Ms. Soma Kar Ghosh
Mr. Arabinda Pathak
Ms. Suparna Paul

... for the petitioner

This application is at the instance of the defendant in the suit for eviction inter alia on the ground of reasonable requirement challenging the order dated 8th August, 2024 passed by the learned Civil Judge, 6th Bench, Presidency Small Causes Court, Calcutta in Ejectment Suit No.430 of 2017.

By the order impugned, the application under Order 39 Rule 7 of the Code of Civil Procedure was allowed thereby appointing commissioner to hold local inspection on the points mentioned in the schedule of the application.

After taking into consideration all the points mentioned in the schedule of the application and the fact that the suit is for eviction inter alia on the ground of reasonable requirement, this court is of the considered view that the learned trial judge was right in allowing the application for local inspection, as it is well-settled principle of law that the plaintiff has to prove that they require the suit premises for their own use and occupation.

For such reason, this court is not inclined to interfere with the order impugned.

In view thereof, CO 638 of 2025 stands dismissed, without any order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)