

Court No. 6
(265719)

10.03.2025
(AD 17)
(S. Banerjee)

CO 825 of 2025

Shambhu Nath Shaw
Vs.
Binod Kumar Shaw

Mr. Santu Nandy

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no. 47 dated February 6, 2025 passed by the learned Judge, 2nd Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 318 of 2018. By the order impugned the application under Order 6 Rule 17 of the Code of Civil Procedure stood rejected.

Learned advocate appearing for the petitioner submits that the petitioner has sought to introduce the subsequent facts in the written statement by way of amendment. He submits that the fact of institution of Title Suit No. 1624 of 2021 is very much necessary for the purpose of deciding the controversy between the parties in the suit for eviction.

After going through the schedule of amendment, this Court finds that the petitioner herein has sought to introduce the fact of institution of Title Suit No.

1624 of 2021 by Smt. Purnima Shaw and Ors. against the plaintiff. An order of status quo in respect of nature and character of the suit building has also been passed. The petitioner has sought to challenge the ownership of the plaintiff herein in respect of the premises in question. He further submits that the petitioner has challenged the landlord-tenant relationship between the plaintiff and the defendant.

Ejectment Suit No. 318 of 2018 was filed under Section 6 of the West Bengal Premises Tenancy Act, 1997.

Section 6 of the 1997 Act starts with a non-obstante clause and states that notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, no order or decree for the recovery of the possession of any premises shall be made by the Civil Judge having jurisdiction in favour of the landlord against the tenant except on a suit being instituted by such landlord on one or more of the grounds which have been mentioned in clauses (a) to (l) of Section 6(1) of the 1997 Act.

After going through Section 6 of the Act this Court is of the considered view that a landlord can institute a suit for eviction against a tenant.

Section 2(c) of the 1997 Act defines 'landlord' to include *“any person who, for the time being, is receiving, or is entitled to receive, the rent for any premises, whether on his own account or on account of, or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;”*

The definition of landlord is an inclusive definition and the same is very wide. Thus, a person who is entitled to receive rent of a premises, whether on account of his own or on account of some other person, falls within the definition of landlord.

In the original written statement in paragraph no. 6 thereof it has been specifically admitted by the defendant that the plaintiff/opposite party herein collected rent by issuing rent receipts and the defendant/petitioner herein started depositing rent with the office of the Rent Control to the credit of Binod Kumar Shaw, i.e., the plaintiff/opposite party herein.

A title suit between the plaintiff and certain other third-parties with regard to the title of the suit premises, cannot have any bearing on the suit for

eviction of tenant instituted by the landlord under Section 6 of the West Bengal Premises Tenancy Act.

In view thereof, this Court is of the considered view that the proposed amendments are not necessary for the purpose of deciding the real controversies between the landlord and the tenant in a suit under Section 6 of the 1997 Act.

For such reasons, this Court is not inclined to interfere with the order impugned. CO 825 of 2025 stands dismissed accordingly.

There shall be no order as to costs.

However, the cost imposed by the impugned order stands deleted.

The impugned order stands modified only to the extent as indicated hereinaove.

(Hiranmay Bhattacharyya, J.)