

Sl.53
19.05.2025
Court No.6
BP

C.O. 1358 of 2025

Utpal Kumar Saha
-versus-
Sri Amar Kumar Singh

Mr. Anirban Roy
..for the petitioner

Mr. Avirup Mondal
Mr. Debdipta Sen
..for the opposite party

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.31 dated March 11, 2025 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 117 of 2022.

By the order impugned the application under Order 6 Rule 17 of the Code of Civil Procedure filed by the defendant in a suit for eviction, inter alia, on the ground of reasonable requirement stood rejected.

After going through the schedule of amendment this Court finds that the defendant has sought to incorporate the subsequent events with regard to the fact that during the pendency of the suit the plaintiff/opposite party herein has got possession of several rooms in the suit building by way of executing the decree obtained against other tenants.

The learned advocate appearing for the petitioner submits that the proposed amendments are necessary for

the purpose of deciding the real controversies between the parties in the suit.

Heard the learned advocate for the opposite party on such submission.

Though the application for amendment was filed after the commencement of trial but after going through the schedule of the amendment this Court is of the considered view that the proposed amendments are necessary for the purpose of deciding the real controversies between the parties. It is well settled that in a suit for eviction on the ground of reasonable requirement the landlord, in order to succeed in such a suit, has to prove that the suit property is reasonably required for the use and occupation of the plaintiff and his family members and also that the plaintiff is not in possession of any alternative reasonable suitable accommodation elsewhere. The defendant/petitioner herein has sought to bring to the notice of the court by way of the proposed amendment that the plaintiff has got sufficient alternative suitable accommodation in the suit building. The said fact, in the considered view of this Court, is necessary for the purpose of deciding the instant suit.

For such reason, this Court is inclined to allow the application for amendment of the written statement. Accordingly the application under Order 6 Rule 17 of the Code of Civil Procedure filed by the defendant/petitioner stands allowed.

The defendant is directed to file the amended written statement within two weeks from the date of receipt of the server copy of this order.

The learned Judge, 3rd Bench, Presidency Small Causes Court at Calcutta is directed to proceed with the suit in accordance with law and to make an endeavour to see that the same is disposed of as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

With the above observations and directions, C.O. 1358 of 2025 stands disposed of.

There shall be, however, 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.)