

AD-45
Ct No.10
07.07.2025
TN

SAT 141 of 2025
IA No: CAN 1 of 2025
Sri Chittaranjan Hatait and another
Vs.
Sri Babul Sankar Pradhan

Mr. Chandradoy Roy

....for the appellants

Mr. Arnab Roy,
Mr. Satyam Mukherjee,
Mrs. Sayani Ahmed,
Mr. Saibal Rakshit

....for the respondent

1. The present second appeal arises out of a judgment of affirmance. Both the courts below granted eviction against the appellants on the ground that the appellants are licensees. Learned counsel for the appellants seeks to argue that in the first appellate court, an application under Order XLI Rule 27 of the Code of Civil Procedure was filed, seeking to introduce documents regarding acquisition of the suit property by the Government, which would denude the plaintiff of title. Furthermore, the description of the suit property in the plaint is vague, which ought to have entailed dismissal of the suit.
2. Learned counsel seeks to argue further that the appellants had pending suits for declaration of their tenancy rights.
3. Upon a perusal of the impugned judgments and decrees, we find that the premise on which the introduction of additional evidence was refused by the

first appellate court was that the defendants/appellants were barred by Section 116 of the Indian Evidence Act from disputing the title of their inductor.

4. Be it a landlord-tenant relationship or a licensor-licensee relationship, the rigours of Section 116 of the Evidence Act are squarely applicable. As such, the appellants are debarred from disputing the title of the respondent, who is the admitted inductor of the appellants.
5. Insofar as the description of the suit premises is concerned, we do not find from the written statement any specific dispute having been raised as to the schedule of the plaint. Moreover, the schedule of the plaint clearly pertains to a clearly described building.
6. As such, we do not find that the schedule of the plaint is of such a vague nature that it should have resulted in dismissal of the suit as a whole.
7. In such view of the matter, we do not find any substantial question of law involved.
8. Accordingly, SAT 141 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
9. Consequentially, CAN 1 of 2025 is also dismissed.
10. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)