

M/L- 5
01/09/2025
Ct. No.-6
Aritra

C.O. 3117 of 2025

**Pragati Pratisthan Pvt. Ltd.
Vs.
M/s. Panchkori Chatterjee**

Mr. Krishna Das Poddar
Ms. Mandira Barman

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No.39 dated May 15, 2025, passed by the learned Judge, 4th Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No.287 of 2019.

By the order impugned, the application under Order 6 Rule 17 of the Code of Civil Procedure filed by the opposite party herein praying for amendment of the written statement stood allowed.

The petitioner herein filed a suit for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997 for eviction of the opposite party herein on the ground of default and reasonable requirement. The opposite party is contesting the said suit by filing a written statement.

The opposite party filed an application under Order 6 Rule 17 of the Code of Civil Procedure praying for amendment of the written statement in order to incorporate the fact that the plaintiff/petitioner herein is

the owner of adjacent premises being Nos.43/1, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 and 37/1/1, Purusottam Roy Street, Kolkata-700007. It has been further stated therein that the petitioner has suppressed the fact that he is the owner of several properties in addition to the suit property.

The learned advocate appearing for the petitioner submits that the petitioner is the owner of one property which consists of several shop rooms and the shop rooms have been numbered as Nos.43/1, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 and 37/1/1, Purusottam Roy Street, Kolkata-700007. He further submits that the said fact is not necessary for the purpose of deciding the real controversy between the parties.

Since the suit is for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997, *inter alia*, on the ground of reasonable requirement, it is well-settled that the landlord in order to get a decree for eviction has to prove that he is not possession of alternative suitable accommodation elsewhere.

The question whether the petitioner is the owner of only one premises which consists of several shop rooms bearing distinct numbers cannot be decided at this stage.

Considering the nature of proposed amendment this Court, is of the considered view that the proposed

amendments are necessary for the purpose of deciding the real controversy between the parties.

That apart, the trial has not yet commenced.

The learned trial judge has assigned cogent reasons for allowing the application under Order 6 Rule 17 of the Code of Civil Procedure. This Court is not inclined to interfere with the order passed by the learned trial judge while allowing the prayer for amendment of the written statement.

Accordingly, CO 3117 of 2025 stands dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)