

AD-05
Ct No.16
11.11.2025
TN

SAT 205 of 2025
IA No: CAN 1 of 2025

Sri Gouri Shankar Shaw
Vs.
Indrajit Paul

Mr. Shounak Bhattacharya,
Mr. Asis Kr. Das,
Mr. Suman Chattopadhyay

....for the appellant

Mr. Tanmoy Mukherjee,
Mr. Krishnendu Bera,
Mr. Souvik Das,
Mr. Rudranil Das

....for the respondent

1. The present second appeal has been preferred by the defendant/tenant in a suit for eviction on the ground of default and reasonable requirement under the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as “the 1997 Act”).
2. Learned counsel for the appellant argues that despite there being no deposit under Section 7(1) of the said Act and no application under Section 7(2) of the 1997 Act having been filed, the defence of the defendant/appellant was never struck out. As such, it is argued that the courts below erred in law in passing

a decree of eviction also on the ground of default in payment of rent without granting the appellant the protection under Section 7(4) of the said Act.

3. Learned counsel also makes submissions on the ground of reasonable requirement. However, in view of the appeal not being sustainable at the first blush on the ground of default in payment of rent and it being a well-settled proposition of law that if the plaintiff/landlord succeeds even on one ground enumerated under Section 6 of the 1997 Act, the plaintiff is entitled to get eviction, adumbration on the other grounds is rendered irrelevant.
4. On the question of default in payment of rent, we are unable to accede to the submissions of learned counsel for the appellant, since in view of non-compliance of even Section 7(1) of the 1997 Act by failing to make deposits as enumerated therein, the present defendant/appellant lost the cloak of protection as provided under Section 7(4) of the 1997 Act, irrespective of the defence being struck out or not.
5. Hence, the learned courts below were justified in granting eviction on the ground of default in payment of rent. As such, we need not look into the other ground of eviction, as the eviction decrees of both the courts below are required to be sustained on the ground of default alone, if not on the other ground.
6. Accordingly, SAT 205 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

Consequentially, CAN 1 of 2025 stands dismissed as well.

7. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)