

12.06.2025

Court No.1

Item No.8

(PP)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION**

FAT 34 of 2024

M/s. Hill View Medicare Pvt. Ltd.

-versus-

M/s. Siliguri Nursing Home Pvt. Ltd.

Mr. Arnab Sengupta,
Mr. Deborshi Dhar,
Ms. Taniya Bhowmik

....for the appellant.

Mr. Dr. Navin Barik,
Ms. Esha Acharya,
Mr. Rimik Chakraborty

....for the respondent.

This appeal has been filed assailing the judgment and decree dated 30th March, 2023 passed by the learned Civil Judge (Sr. Division), Siliguri in T. S. No.86 of 2019. The respondent had filed the suit for eviction of the defendant/appellant inter alia on the ground of reasonable requirement.

The case of the plaintiff/respondent is that it operates a Nursing Home from the premises-in-question, a portion whereof is the suit property. The respondent/plaintiff has contended that the space under occupation of the appellant/defendant is necessary for setting up of diagnostic equipment and pathological laboratory for effective and better functioning of the Nursing Home. In absence of

sufficient space, the plaintiff/respondent has to take the patients outside the premises for availing the diagnostic and pathological test. The defendant resisted the prayer for eviction mainly on the ground that the space already available to the respondent/plaintiff in the building is sufficient for carrying out the Nursing Home's activities and the portion under the defendant is not required by the respondent.

After considering the material evidence and the applicable law, the learned trial court has passed the decree for eviction of the defendant.

It is also the case of the respondent/plaintiff that they have already put the decree into execution by filing an execution case, being T. Exe. Case No.5 of 2025 before the Court of the Civil Judge (Sr. Division), Siliguri.

The plaintiff by adducing reliable evidence has proved that it reasonably requires the suit property. As noticed previously, the plaintiff is operating the Nursing Home from the premises without any pathological laboratory, X-ray and USG machine and proper incentive care unit. Admittedly, these facilities are essential to attend the patients and for not having such facilities in the Nursing Home, the respondent/plaintiff requires to take out its patients to the outside diagnostic centres which in effect often stand in the way of going better treatment to the patients.

On close scrutiny of the evidence brought on record by the parties, we do not find any infirmity in the judgment and decree impugned in this appeal. We also do not find any cogent ground for admitting the appeal.

Accordingly, the appeal is devoid of merit and is hereby dismissed, however, without any order as to costs.

(Arindam Mukherjee, J.)

(Partha Sarathi Chatterjee, J.)