

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/74/2025
WITH
CS/218/2021

AMALGAMATED FUELS LIMITED
VS
ABDUL KADER MALLICK AND ANR.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date :December 17, 2025.

Appearance:

Mr. Sarosij Dasgupta, Adv.

Mr. Suman Majumder, Adv.

...for the appellant.

The Court: The appeal is at the behest of a plaintiff. Appeal is directed against the order dated July 25, 2025 passed in GA/2/2022 in CS/218/2021.

The appellant as the plaintiff filed a suit for eviction of the respondent as defendant from an immovable property. Respondent as defendant filed written statement. Thereafter, the appellant as the plaintiff filed an application for judgment on admission being GA/2/2022. Neither in the application, nor in the application for judgment on admission, does the appellant make out a case that, the respondent herein admitted the tenancy and wanted to vacate the premises.

Four letters are disclosed in the affidavit-in-reply filed in the application for judgment on admission before the learned Trial Judge. Two of the letters are by the appellant. Two others are at the behest of the respondent.

According to the appellant, these four letters establish that, the respondent wanted to become a tenant under the appellant. Those letters also

disclose the names of the occupiers of the immovable property concerned as also the relationship between the appellant and such occupiers.

We find from the records that, the respondent filed written statement claiming adverse possession. As noted above, neither in the plaint, nor in the application for judgment on admission contains pleadings or reference to the four letters which were sought to be introduced subsequently in the affidavit-in-reply.

Be that as it may, we are of the view that, those four letters read as a whole, does not establish that, there was a jural relationship between the appellant and the respondents in the manner as claimed that is, of landlord and tenants. What, the letters suggest is that there was an approach by the respondent for creation of a tenancy in their favour by the appellant which the appellant did not agree to do.

In such circumstances, we are of the view that, there being no admission made on behalf of the respondents warranting passing of a decree by the learned Single Judge, there is no error in the impugned order dated July 25, 2025.

Issues raised by the parties in the suit may be decided at the trial.

APO/74/2025 along with connected applications are disposed of, without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)