

A-18
Ct No.16
02.02.2026
TN

SAT 212 of 2025
IA No: CAN 1 of 2025
CAN 2 of 2025

Smt. Sanghamitra Saha (Chowdhury)
Vs.
Sri Nityananda Paul

Mr. Partha Pratim Roy,
Mr. S. Dutta

.....for the appellant

Mr. Satyam Mukherjee,
Mr. Purnendu Sekhar Ghosh,
Mr. Saibal Rakshit

....for the respondent

Re: CAN 2 of 2025

1. CAN 2 of 2025 is an application for substitution of the heirs and legal representatives of the sole respondent, who died during pendency of the appeal.
2. Upon hearing learned counsel for the parties, CAN 2 of 2025 is allowed, being in time and in form, directing substitution of the heirs and legal representatives of the sole respondent, since deceased, as mentioned paragraph no. 8 of the application, as respondents in place and stead of the said deceased.
3. The necessary consequential amendments to the cause title of the memorandum of the appeal shall be carried out by the learned Advocate-on-record for the appellant during the course of the day.
4. There will be no order as to costs.

5. On the prayer of learned counsel having instruction to appear for the substituted respondents, leave is granted to file Vakalatnama on behalf of the substituted respondents during the course of the day.

Re: SAT 212 of 2025
CAN 1 of 2025

6. The present second appeal has been preferred against an order whereby the learned first appellate court remanded an eviction suit of the plaintiff/appellant to the trial court for framing of issue on the ground of reasonable requirement (which was a ground for eviction as per the plaint) and rehearing the suit on the evidence already on record, permitting the learned Trial Judge also to take additional evidence, if required.
7. The premise of the remand order was that the trial court did not frame any issue on the question of reasonable requirement.
8. Learned counsel for the plaintiff/appellant argues that both the parties, knowing fully well the contentions between them, went to trial and adduced evidence.
9. It is submitted on the premise of the recordings in the judgment of the learned Trial Judge that the issue of reasonable requirement was also dealt with therein.
10. As such, it is argued that the learned first appellate court erred in law in reversing the trial court's

judgment in its entirety and sending the matter back on the issue of reasonable requirement.

11. Upon a perusal of the judgment of the learned Trial Judge, we find that the only issues framed by the learned Trial Judge were as follows:

1. *“Is the suit maintainable in law and its present form?”*
2. *Has the plaintiff any cause of action to bring this suit?*
3. *Is the suit barred under the law of limitation?*
4. *Is the instant suit bad for suppression of facts?*
5. *What other relief or reliefs are the plaintiffs entitled in the eye of law and equity?”*

12. As such, no specific issue on reasonable requirement was framed at all by the learned Trial Judge while deciding the suit, although the ground of reasonable requirement was squarely in contention in the suit and the eviction decree passed by the trial court was premised on such ground.

13. The heading under which the question of reasonable requirement was decided in a cursory manner was under Issue No.4, that is, “Is the instant suit bad for suppression of facts?”

14. However, such issue had no direct connection with the ground of reasonable requirement and was palpably insufficient to deal with several facets which are required to be satisfied for passing a decree on the

ground of personal requirement of the landlord, as contemplated in Section 6 of the West Bengal Premises Tenancy Act, 1997.

15. Also, we find the discussion on the question of reasonable requirement to be limited to a small paragraph in the trial court's judgment which, according to us, was also insufficient, taking into consideration the facets of law involved while deciding such issue.
16. Thus, we do not find any illegality in the order of remand which has been challenged before us.
17. Accordingly, SAT 212 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
18. Consequentially, CAN 1 of 2025 stands disposed of.
19. There will be no order as to costs.
20. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)