

11th March,
2026
(AK)
05

S.A.T 282 of 2025
IA No: CAN 1 of 2026

Jyoti Prasad Shaw
Vs.
Ram Prasad Laga

Mr. Manas Kr. Ghosh
Ms.Susmita Dey (basu)
Mr. Kaustav Ghosh

...for the appellant.

1. The present second appeal has been preferred against a judgment of affirmance, whereby both the courts below decreed a suit for eviction filed by the plaintiff/respondent on the ground of reasonable requirement under the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as “the 1997 Act”).
2. Learned counsel appearing for the appellant/defendant argues that the tenor of the eviction notice itself as well as the pleadings in the plaint go on to show that the said notice was intended to be one under Section 106 of the Transfer of Property Act.
3. Thus, it is argued that in the absence of a valid notice under the 1997 Act, the suit ought to have been dismissed by both the courts below.
4. However, we find from the judgment of the First Appellate Court, which affirmed the decision of the

learned Trial Judge, that the courts took into consideration the catena of judgments to the effect that if the ingredients of a notice under the appropriate Rent Control Act are satisfied, the mention of Section 106 of the Transfer of Property Act would be considered to be a surplusage.

5. Accordingly, by proceeding on the premise that the notice of eviction issued by the plaintiff/respondent was one under Section 6(4) of the 1997 Act, the eviction decree was granted against the present appellant.
6. On a perusal of the notice for eviction annexed at page-11 of the stay application filed in connection with the present second appeal, we find that the ingredients of a notice under Section 6(4) of the 1997 Act are found therein, although the specific provision of law under which the same was issued was not mentioned.
7. That apart, the grounds of default in payment of rent and reasonable requirement, which were also the grounds for eviction in the suit, were also specifically mentioned in the said notice.
8. In the plaint, the defendant/appellant was treated to be a monthly tenant.
9. Accordingly, we do not find substance in the contention of the appellant that the notice was not one under Section 6 (4) of the 1997 Act but under Section 106 of the Transfer of Property Act.

10. Thus, this court is of the opinion that no substantial question of law is involved in the appeal.
11. Hence, SAT 282 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
12. Consequentially, CAN 1 of 2026 is also dismissed.
13. There will be no order as to costs.
14. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)