

Court No. 6
(265719)

07.09.2026

(A 5)

(S. Banerjee)

CO 2923 of 2026

Sri Dilip Biswas & Ors.

Vs.

Smt. Renuka Sarkar & Ors.

Mr. Krishnendu Sarkar
Ms. Meghla Das

...for the petitioners

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee
Mr. sandip Kundu

...for the opposite-party no. 2

This application under Article 227 of the Constitution of India is at the instance of tenants/defendants and is directed against an order dated May 18, 2026 passed by the learned Civil Judge (Jr. Division) 1st Court at Krishnagar, Nadia in Title Suit No. 251 of 1975. By the order impugned, the prayer of the petitioners praying for acceptance of the deposit made beyond the time stipulated in the order dated January 19, 2026 by modifying the said order, stood rejected.

Learned advocate appearing for the petitioner submits that the petitioner was not aware of the order dated January 19, 2026 directing the petitioners to deposit the arrear amount within a stipulated time at the relevant point of time. He submits that immediately after coming to know of the order, steps

have been taken to deposit the arrear amount on the very next day after being aware of the said order.

Mr. Banerjee, learned advocate appearing for the opposite party no. 2 submits that this is a suit of the year 1975. Repeated opportunities were granted to the petitioners to deposit the arrear rent. He submits that by an order dated January 19, 2026, the learned trial judge allowed the petitioners to deposit the defaulted rent along with 10 per cent. interest within 14 days from the date of the order and in default, the order would automatically stand vacated and the defence of the petitioners shall be struck out. He submits that the petitioners has deposited the defaulted amount on March 18, 2026 and thereafter prayed for acceptance of the said deposit. He submits that the learned trial judge was right in rejecting the prayer of the petitioners for acceptance of the said amount.

Heard the learned advocates for the parties and perused the materials on record.

Record reveals that by an order dated January 19, 2026, the petitioners were directed to deposit the defaulted amount together with 10 per cent. interest within 14 days from the date of the order.

The petitioners put the blame on their learned advocate for non-compliance of the aforesaid order as

would be evident from the application filed by the petitioner on March 18, 2026. The further case made out by the petitioners is that the defendant no. 1(b) is the *Tadbirdar* of the suit on behalf of the defendants and he stays at Ranaghat and the learned advocate does not have the knowledge of the order. It was stated that due to the counsel's failure to follow up the order the mistake has been condoned. On a query of the Court the learned advocate appearing for the petitioners submits that a complaint has been lodged by the petitioners against the learned advocate.

However, learned advocate appearing for the petitioners, in his usual fairness, submits that such complaint has been lodged sometime in the month of August, 2026, i.e., almost three months after the impugned order was passed.

Though it has been specifically stated that the defendant no. 1(b) is the *Tadbirdar*, this Court fails to understand what the *Tadbirdar* of the suit was doing.

Learned trial judge specifically noted the facts in the impugned order which is extracted hereinbelow:

“Record reveals that the defendants were initially directed to deposit this rent via order no. 700 dated 09.08.2018. Admittedly, the defendants committed default in complying with the said direction. Thereafter, the defendants filed an application under Section 5 of the Limitation Act praying for condonation of delay

and extension of time and the same was rejected vide order no. 715 dated 22.02.2019. However, as the said order relied upon the provisions of the West Bengal Premises Tenancy Act, 1997 and not the West Bengal Premises Tenancy Act, 1956, Hon'ble High Court at Calcutta directed this Court to rehear the matter. By a considered order no. 824 dated 19.01.2026, this Court allowed the said petition by granting the defendants a final opportunity to deposit the default rent within 14 days from the date of the order, specifically observing that in default the defence against delivery of possession would stand struck off.

It further appears from the record that despite such clear and conditional order, the defendants again failed to deposit the arrear rent within the stipulated period of 14 days. The rent was ultimately deposited only on 18.03.2026, that is, long after expiry of the period fixed by the Court. The contention advanced on behalf of the defendants is that since the challan was accepted and formally passed by the office, the deposit should be treated as sufficient compliance and the earlier order should be recalled in the interest of justice.”

The learned trial judge also noted that at the time of hearing the learned advocate appearing for the defendants contended that since challan was accepted and formally passed by the office, the deposit should be treated as sufficient compliance and the earlier order should be recalled in the interest of justice.

Even if such contention of the learned advocate is accepted at its face value, mere passing of the challan after the time limit stipulated in the order, cannot confer any right upon the petitioner for condonation of delay.

The learned trial judge who is in seisin over the matter refused to condone the delay in depositing the amount pursuant to the directions passed vide order dated January 19, 2026 by assigning cogent reasons in support thereof. This Court is not inclined to interfere with such order under Article 227 of the Constitution of India.

Accordingly, this civil revision application stands dismissed.

(Hiranmay Bhattacharyya, J.)