

23.12.2020
(S/L-01)
Ct.-18
(Susanta)

C.O. 914 of 2020

Smt. Sipra Roy & Anr.

-Vs-

Smt. Suniti Nag & Ors.

Mr. Purbangshu Chandra Mitra,
Ms. Piyali Mitra,

..... For the petitioner.

Affidavit-of-service filed in Court today be kept with the record.

None appears on behalf of the opposite parties in spite of service.

The petitioners are the plaintiffs of the Ejectment Suit No. 164 of 2017 pending before the 5th Bench, Small Causes Court at Calcutta.

The petitioners are aggrieved by the inordinate delay in disposal of the application filed by the opposite parties under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 ('the said Act' in short).

The petitioners complain that such delay has been caused due to the dilatory tactics adopted by the defendants/opposite parties.

Mr. Purbangshu Chandra Mitra, learned advocate appearing on behalf of the petitioners submits that there is no existence of Section 7(2B) in the said Act but the learned trial Judge

is fixing dates for hearing of one application filed by the opposite parties under the said provision of the said Act which is causing further delay in the disposal of the said application under Section 7(2) of the said Act.

Heard Mr. Mitra, perused the materials on record.

The certified copy of the order sheet discloses that the suit was filed on April 19, 2017 and the defendants/opposite parties appeared in the said suit on May 19, 2017.

The defendants/opposite parties after their appearance filed two successive applications, one under Section 7(2) and another under Section 7(2B) of the said Act on May 26, 2017 and June 08, 2017 respectively. The said applications are pending disposal.

The order sheet further discloses that the desired progress in disposal of the pending applications could not be achieved due to the repeated prayer of defendants/opposite parties for adjournment.

The mandate of Section 7(2) of the said Act is that an application under the said provision is required to be disposed of as soon as possible and within a period not exceeding one year from the date of filing. The learned trial Judge is obliged to give effect to the said mandate.

The grievance of the petitioners is justified.

This Court, therefore, requests the learned Judge, Fifth Bench, Presidency Small Causes Court, Calcutta to dispose of the aforementioned applications within three weeks from the date already fixed for hearing of the said applications.

The time limit fixed for disposal of the said applications by this order is peremptory and mandatory and to adhere to the said time limit the learned trial Judge shall not entertain prayer of the parties for any unnecessary adjournment.

The petitioner shall communicate this order to the opposite parties immediately.

The learned Trial Judge is further requested to expedite the disposal of the suit.

With the above terms, C.O. 914 of 2020 is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)