

11,DL,Ct.18.
22.02.2021
AJ.

C.O. 377 of 2021

Raj Kumar Sahu
-Vs-
Jayanta Kumar Roy

Ms. Anyasha Das.
... for the petitioner.
Mr. Rajarshi Basu,
Mr. Amajit De.
....for the opposite party

The defendant in a suit for ejectment is the petitioner of the instant application under Article 227 of the Constitution of India.

The application filed by the petitioner under Section 7(2) of the West Bengal Premises Tenancy Act, 1997(hereinafter referred to as the 'said Act' in short) was disposed of *ex parte* on April 11, 2019.

The learned Trial Judge, by the order impugned, being Order dated January 13, 2021, has dismissed an application filed by the petitioner seeking recall of the said order dated April 11, 2019.

The learned Trial Judge on the basis of the materials on record has held that the petitioner intentionally kept the application under Section 7(2) of the said Act pending for almost three years and in spite of

opportunity did not produce the rent control challans under which he claimed to have deposited the arrear rents with the Rent Controller. The learned Trial Judge after considering such conduct of the petitioner has rejected the application of the petitioner for recalling of the order dated April 11, 2019.

This Court in exercise of the jurisdiction under Article 227 of the Constitution of India is not inclined to disturb the said factual finding to interfere with the order impugned.

C.O. 377 of 2021 is, therefore, dismissed. No order for 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.)