

09.04.2021
(S/L-06)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 507 of 2021

Sri Sunil Kundu
-Vs-
Birendra Narayan Singha

Mr. Ivan Ray,
Mr. Sudipta Ghosh,
..... For the Petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant/tenant in a suit for eviction and is directed against order No. 15 dated December 2, 2020 whereby the learned Trial Judge has dismissed an 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) and allowed an application filed by the plaintiff/opposite party under Section 7(3) thereof.

The said application under Section 7(2) of the said Act was filed along with an application for condonation of delay.

The learned Trial Judge has dismissed the said application for condonation of delay holding that in view of the law laid down by the Hon’ble Supreme Court in the case of **BIJAY KUMAR SINGH AND ORS. vs. AMIT KUMAR**

CHAMARIYA AND ORS. reported in **AIR 2019 SC 5461** the said delay cannot be condoned. Moreover, in the written statement the petitioner has admitted the landlord and tenant relationship between the plaintiff and him.

This Court does not find any illegality and/or infirmity in the said findings of the learned Trial Judge warranting interference to the order impugned.

C.O 507 of 2021 is devoid of any merit and is accordingly dismissed without any 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.)