

(04)
20.04.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO 921 of 2020

**Sri Mukut Kumar Ghosh
-versus-
Smt. Jayabati Pramanick & anr.**

Mr. Shibasis Ghosh,
Mr. Hare Krishna Haldar,
Mr. Sk. Afaz Uddin,
... for the petitioner.

Mr. Rahul Karmakar, ... for the opposite party.

This revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction of trespasser being Title Suit No. 845 of 2017 pending before the learned Judge, 2nd Bench, City Civil Court at Calcutta and is directed against the Order No. 23 dated September 12, 2019.

The petitioner filed an application seeking rejection of the plaint of the connected suit under Order VII Rule 11 of the Code of Civil Procedure on the grounds that no notice under Section 6(4) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the said Act, in short) was served before institution of the suit and the said suit being a suit for eviction under the said Act of 1997 the learned Trial Judge has no jurisdiction to entertain the said suit.

The learned Trial Judge by the order impugned has dismissed the said application holding that the said Act of 1997 has no manner of application in the present suit.

Heard Mr. Ghosh, perused the materials on record.

The plaintiffs are seeking eviction of the petitioner on the ground that by the operation of Section 2(g) of the said Act of 1997 the petitioner has become trespasser in the suit property since the protections of tenants under the said Act of 1997 are not available to the petitioner, excepting this much, the said Act of 1997 has no nexus with the present suit for eviction as has rightly been held by the learned Trial Judge in the order impugned.

The order impugned, therefore, does not call for any interference.

CO 921 of 2020 is 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 of all requisite formalities.

(Biswajit Basu, J.)