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SK
Ct. No. 18
06.04.2021

**C.O. No. 703 of 2021
(Via Video Conference)**

**Sri Dilip Kumar Dey
Vs.
Smt. Kusum Devi Parasrampuriah, since deceased,
represented by :- Sri Harsh Parasrampuriah & Anr.**

Ms. Sevanti Roy ... For the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such service of notice of the present application upon the said opposite parties is dispensed with.

The petitioner is the plaintiff of the Ejectment Suit No. 21 of 2017, subsequently re-numbered as Ejectment Suit No. 17 of 2020. The said suit is pending before the 10th Court of learned Civil Judge, (Senior Division), at Alipore, District 24 Parganas (South).

In the said suit the defendants/opposite parties have filed an application under Section 7 (2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the 'said Act' in short) along with an application for condonation of delay in filing the said application.

The petitioner complains that the disposal of the said applications is being unnecessarily deferred.

On perusal of the records it appears that the defendants, the opposite parties herein on January 12, 2018 filed the said application under Section 7 (2) of the said Act of 1997 along with an application for condonation of delay and although the learned trial Judge fixed several

dates for hearing of the said application for condonation of delay but could not dispose it of for one reason or another.

An application under Section 7 (2) of the said Act of 1997 is required to be disposed of as soon as possible within a period not exceeding one year from the date of filing of the said application, this is the mandate of the said provision of the said Act of 1997.

The grievance of the petitioner, therefore, is justified.

The learned trial Judge is requested to dispose of the said application expeditiously, preferably within a period of four weeks from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 703 of 2021 is disposed of without any order as to costs.

The petitioner is required to communicate this order to the learned advocate representing the opposite parties in the Court below within a week from date.

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.)