

C.O. 711 of 2021

Sk. Daud

-Vs-

Md. Salauddin Rangrez & Anr.

Mr. Samrat Chowdhury,

Mr. A. Ahamed.

... 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 this application upon the said opposite parties is dispensed with.

The petitioner is the plaintiff of a connected ejectment suit being Ejectment Suit No.14 of 2017 pending before the 1st Court of the learned Civil Judge (Junior Division) at Sealdah.

The opposite party no.1 in the said suit has filed an application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as 'the said Act' in short) way back on June 17, 2017.

The petitioner complains that the said application is still pending and prays for a direction upon the learned Trial Judge for expeditious disposal of the said application.

Mr. Samrat Chowdhury, learned advocate appearing on behalf of the petitioner submits that on February 10, 2021 recording of evidence from the side of the opposite party no.1 on the said

application has been concluded and cross-examination of the said witness has commenced from the side of the petitioner.

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

In view of such mandate, the learned Trial Judge is obliged to dispose of the said application expeditiously.

C.O. 711 of 2021 is disposed of by requesting the 1st Court of learned Civil Judge (Junior Division) at Sealdah to make all endeavour 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.

The petitioner shall communicate this order to the opposite parties as well as their learned advocate in the Court below within a week from date.

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.)

