

14,DL,Ct.18.
23.04.2021
AJ.

C.O. 931 of 2021
(Via Video Conference)

Chotelal Rajak @ Chhotelal Rajak
-Vs-
Tarun Kumar Das & Ors.

Mr. Shivaji Mitra,
Mr. Angshuman Chakraborty.
... for the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction and is directed against Order No. 34 dated February 11, 2021 passed by the 1st Court of the learned Civil Judge (Junior Division) at Chandernagore, district Hooghly in the said suit being Title Suit No.55 of 2019.

The learned Trial Judge by the order impugned has disposed of an application filed by the petitioner under Section 7(2) of the West Bengal Premises Tenancy Act, 1997.

The petitioner in the said application has raised a dispute with regard to the rate of rent claiming that the rent is Rs.500/- per month not Rs.2,000/- per month as alleged by the plaintiffs/opposite parties. The petitioner to substantiate his said claim relied on the judgment and decree passed in an earlier suit being Title

Suit No.133 of 2012 filed by him against the opposite party.

The learned Trial Judge found that in the said suit nothing was decided with regard to the rate of rent, on the contrary, in the plaint of the said suit the petitioner has admitted the rate of rent of the suit property is Rs.2,000/- per month.

The learned Trial Judge on the consideration of the aforesaid materials-on-record has held that the rate of rent is Rs.2,000/- per month as claimed by the plaintiffs/opposite parties.

This Court, therefore, does not find any illegality and/or infirmity in the order impugned warranting interference.

C.O. 931 of 2021 is dismissed without any 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.)