

29th July,
2021
(AK)
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C.O. 1330 of 2021

Smt. Susmita Karmakar and others
Vs.
Sri Ranjan Chowdhury

(Via video conference)

Mr. Sarbesh Pal

...For the Petitioners.

Learned counsel for the defendants/petitioners contends that the trial court acted without jurisdiction in proceeding to summarily reject the petitioners' application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997, on the ground that the arrears were admitted by the petitioners.

It is contended by learned counsel that there is no admission at any point of time on the part of the defendants/petitioners regarding arrears.

Rather, by placing reliance on the prayer portion of the application under Section 7(2) of the 1997 Act, learned counsel argues that a dispute was actually raised regarding the arrears of rent.

However, a perusal of the application under Section 7(2), a copy of which is temporarily handed over to court for perusal, shows that no substantial dispute was raised in the body of the application, although in the prayer

portion a so-called dispute has been raised to such arrears.

Such dispute being sham in nature, does not tantamount to a “dispute” as contemplated under Section 7(2) of the said Act. As such, the trial court acted well within its jurisdiction to dismiss the application under Section 7(2).

Accordingly, C.O. 1330 of 2021 is rejected without any order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)