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SK
Ct. No. 18
28.01.2021

**C.O. No. 2784 of 2019
(Via Video Conference)**

**Soumen Bose & Ors.
Vs.
Smt. Bani Majumdar**

Mr. Goutam Chakraborty,
Mr. J. N. Manna ... For the petitioners.

Ms. Anyasha Das ... For the opposite party.

The defendants of Title Suit No. 982 of 2018 pending before the 1st Court of learned Civil Judge, (Junior Division), Sealdah are the petitioners of the instant application under Article 227 of the Constitution of India.

The learned Trial Judge by the order impugned being order dated March 07, 2019 has dismissed an application filed by the petitioners on January 31, 2019 seeking amendment of an application for condonation of delay in filing the application under Section 7 (2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the 'said Act' in short) on the ground the main application being misconceived the said application for amendment is not relevant.

Mr. Goutam Chakraborty learned advocate appearing on behalf of the petitioners submits that the case is not covered by Section 2(g) of the said Act as such the learned Trial Judge is not justified in holding that the main application is misconceived.

The suit not being a suit under Section 6 of the said Act Section 7 thereof has got no manner of application. The learned Trial Judge, therefore, has not committed any error in rejecting the said application for amendment.

Whether the case is covered by the provision of Section 2(g) of the said Act or not shall be decided in course of trial of the suit on evidence.

The revisional application for the aforesaid reasons fails.

C.O. 2784 of 2019 is dismissed.

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.)