

09.02.2021  
(S/L-12)  
Ct.-18  
(Susanta)

**(Via Video Conference)**

C.O. 4162 of 2019

Mr. Ajay Chamaria & Anr.  
-Vs-  
Santosh Kumar Mullick & Anr.

Mr. Dhiraj Trivedi,  
..... For the petitioners.

The defendants in a suit for eviction of trespassers being Title Suit No. 848 of 2019 are the petitioners in the present revisional application under Article 227 of the Constitution of India which is directed against the order no. 6 dated November 15, 2019 passed by the learned Judge 2<sup>nd</sup> Bench City Civil Court at Calcutta in the said suit.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997(hereinafter referred to as the 'said Act of 1997') as is not maintainable.

The suit, not being a suit under Section 6 of the said Act of 1997, Section 7 thereof has got no manner of application.

The application is wholly misconceived. The learned Trial Judge has rightly dismissed the said application.

The order impugned therefore does not call for any interference.

C.O. 4162 of 2019 is dismissed with **costs of Rs. 10,000/-** to be paid by the petitioners in favour of The Legal Aid Services Authority, High Court Calcutta within a week from date.

The learned Trial Judge shall ensure payment of such 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.)