

C.O. 1612 of 2020

(Via Video Conference)

Sri Rabi Shankar Gupta @ Hari Shankar Gupta

-Vs-

Smt. Deepsikha Sengupta

Mr. Aniruddha Chatterjee,
Mr. Syed Ehtesham Huda.
...for the petitioner.

Mr. Kushal Chatterjee.
...for the opposite party.

The defendant in a suit for eviction being Ejectment Suit No. 84 of 2011 is the petitioner of the present application under Article 227 of the Constitution of India, which is directed against order dated October 05, 2020 passed by the learned Civil Judge (Junior Division) at Bidhannagar, North 24-Parganas in the said suit.

The learned Trial Judge by the order impugned has allowed an application filed by the plaintiff/opposite party under Section 7(3) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as 'the said Act' in short) for non-compliance of the order passed under Section 7(2) thereof.

The application filed by the petitioner for acceptance of the arrear rent assessed under Section 7(2) of the said Act is pending, the said application is required to be disposed of before striking out the defence of the petitioner against delivery of possession under Section 7(3) of the said Act.

The order impugned therefore is not sustainable and is accordingly set aside.

C.O. 1612 of 2020 is disposed of by requesting the learned Trial Judge to dispose of the application under Section 151 of the Code together with the said application under Section 7(3) of the said Act in accordance with law.

There shall be 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.)