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SK
Ct. No. 18
18.01.2021

**C.O. No. 1634 of 2020
(Via Video Conference)**

**Sk. Ekramuddin
Vs.
Sri Basudeb Ghosh & Ors.**

Ms. Shebatee Datta ... For the petitioner.

Ms. Puja Beriwal,
Mr. Sovan Bera ... For the O.P. No. 1.

The defendant/tenant in a suit for ejectment is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against the order dated November 25, 2020 passed by the 4th Court of learned Civil Judge, (Junior Division), at Howrah in Title Suit No. 105 of 2011, whereby the learned trial Judge has disposed of an application filed by the petitioner under section 7 (2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the 'said Act' in short).

The petitioner by the said application raised a dispute with regard to his relationship with the plaintiff, claiming that he is a thika tenant in respect of the suit property not a tenant under the petitioner as alleged.

The learned trial Judge after considering the materials on record has come to a tentative conclusion

that there exists relationship of landlord and tenant between the plaintiff and the defendant but left the said issue to be decided finally after framing a formal issue in the suit.

The findings in deciding an application under Section 7(2) of the said act are tentative, to be decided finally in course of the trial of this suit on the basis of the evidences on record.

This Court therefore does not find any illegality in deferring the final decision on the said issue at the time of disposal of the said suit.

The order impugned for the aforesaid reason does not call for any interference.

C.O. 1634 of 2020 is dismissed with the above terms. No order as to costs.

The learned trial Judge is requested to expedite the hearing of the suit.

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.)