

19 12.04.2021
rkd Ct.18

C.O.670 of 2020

Nupur Roy

-vs-

Piyali Pasli

Mr. S. Ghosh,
Mr. S. Ganguli

....for the petitioner.

Mr. P. Mukherjee,
Mr. A. Ghosh,
Mr. S. Banerjee,
Mr. O. F. Gazi

....for the respondents/plaintiff.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction and is directed against order dated January 15, 2020 passed by the Additional Court of learned Civil Judge, (Junior Division) at Sealdah, Dist- 24 Parganas (South) in Ejectment Suit No.56 of 2015. The learned trial judge by the order impugned has disposed of an application file by the petitioner under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 by holding that the petitioner is a defaulter in payment of rent from December, 2010 to November, 2019. The parties are at variance about the rate of rent.

The learned counsel for the petitioner submits that in the written objection to the said application under Section 7(2) of the said Act of

1997, the plaintiff has admitted that the rate of rent is Rs.1,200/- as such the trial judge has committed an error in holding the said rate of rent to be Rs.3,000/- per month. The learned trial judge has come to its findings regarding rate of rent on the basis of counterfoil of the rent receipt filed by the plaintiff/opposite party. The said documents since were admitted without any objection, the petitioner at this stage cannot dispute the said rate of rent recorded in the said counterfoil only on the ground that the statement in the written objection contradicts the said documents regarding rate of rent.

That being the position, this Court in exercise of the jurisdiction under Article 227 of the Constitution of India is not inclined to re-appreciate the said evidence to interfere with the order impugned.

C.O. 1670 of 2020 in the aforesaid reasons fails. No order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Biswajit Basu, J.)