

27.04.2022
Item No.10
Ct. No.7
CHC
(disposed of)

**C.O.177 of 2022
(Physical Hearing)**

**Sri Sukanta Das
Vs.
Smt. Rubi Jash & ors.**

Mr. Sayan Chattopadhyay,
Mr. Steven S. Biswas
...for the petitioner

Mr. Sudipta Maitra, Sr. Advocate
Mr. Vijay Verma,
Mr. Dwaipayan Biswas
...for the opposite party no.1

Affidavit-of-service furnished by the petitioner be
taken on record.

The subject-matter of challenge in this revisional
application is against the rejection of prayer for
addition of party under Order 1 Rule 10(2) C.P.C.

Mr. Chattopadhyay, learned advocate appearing for
the defendant no.1/petitioner disputes as regards the
relationship of the opposite party no.1 with
petitioner/defendant, as landlord and tenant.

Learned advocate appearing for the petitioner
submits that petitioner is not a tenant under opposite
party no.1.

It is also submitted that petitioner is tenant under
opposite party no.3.

It is thus contended that by reason of rejection of prayer for addition of the parties, the petitioner has been made to suffer serious prejudice.

Mr. Maitra, learned Senior Advocate appearing for the opposite party no.1./Caveator submits that any dispute as regards the relationship of landlord and tenant, may be best addressed in connection with a petition under Section 7(2) of W.B.P.T. Act.

It is thus submitted by Mr. Maitra that when petition under Section 7(2) of the W.B.P.T. Act, is yet to be disposed of by learned court below, the prayer for addition of the party is not encouraging one, and the court has rightly rejected the prayer for addition of party in aid of application under Order 1 Rule 10(2) C.P.C.

Having considered the submission of both sides, it appears that there cannot be any controversy as regards the settled proposition of law that the dispute pertaining to relationship between landlord and tenant may be best addressed at the time of disposal of 7(2) application under W.B.P.T. Act. When an application under Section 7(2) of the W.B.P.T. Act is yet to be disposed of, the court finds reasons to dispose of the instant revisional application directing the petitioner to raise such dispute pertaining to relationship of parties as landlord and tenant, if there be any at all, at the time of disposal of application under Section 7(2) of the

W.B.P.T. Act, which is submitted to be still pending and not yet decided.

The court below is thus accordingly, directed to resolve such issue in accordance with law pertaining to the dispute of relationship of landlord and tenant in connection with 7(2) application of Act, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable and decide the issue in accordance with the provisions of law.

With this observation/direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)