

02.06.2022
Court No.06
Item No.69
AP/ss

CO 511 of 2020

**Roy George Mantosh
Vs.
M/s. Anantalal Baijnath and Anr.**

Mr. Saptangsu Basu, Senior Advocate
Mr. S.T. Mina
Mr. Raja Mantosh
Ms. Juthi Banerjee

... For the Petitioner.

Mr. Siddhartha Banerjee
Ms. Saheli Sen
Mr. Rajib Mullick
Ms. Shreyashi Maity

... For the Opposite Parties.

The petitioner has filed the instant application under Article 227 of the Constitution of India challenging the legality, validity and propriety of the orders dated 28th August, 2019 and 10th January, 2020.

By passing the order dated 28th August, 2019 the Trial Court closed the evidence in respect of the proceeding under Section 7(2) of the West Bengal Premises Tenancy Act.

Subsequently, the petitioner filed an application under Section 151 of the Code of Civil Procedure praying for recalling of the order dated 28th August, 2019. The said application was rejected by the Trial Court.

Feeling aggrieved, the petitioner has preferred the instant revision petition.

I have heard Mr. Basu, learned senior counsel on behalf of the petitioner and Mr. Banerjee, learned counsel for the opposite parties.

This Court is of the view that for proper adjudication of the application under Section 7(2) of the Premises Tenancy Act, the petitioner should be given an opportunity to examine himself as a witness. Therefore, the instant revisional application is allowed on contest.

The Trial Court is directed to examine the petitioner positively fixing a date within one month from the date of communication of this order. The examination and cross-examination of the petitioner shall be concluded within one month from the date of commencement of the evidence-in-chief of the petitioner.

The time frame fixed by this Court is peremptorily and the Trial Judge is directed to strictly follow the time frame.

(Bibek Chaudhuri, J.)