

30.08.2022
(D/L-29)
Ct.-18
(Susanta)

C.O. 1069 of 2018
With
I.A. No. CAN 1 of 2021
I.A. No. CAN 2 of 2021

Sri Debasish Bagchi
-Vs-
Smt. Kabita Das

Ms. Priyakshi Banerjee,
... For the Petitioner.

Re: **I.A. No. CAN 1 of 2021**
I.A. No. CAN 2 of 2021

The revisional application was dismissed for default on January 8, 2021. I.A. No. CAN 1 of 2021 is an application for recalling of the said order and I.A. No. CAN 2 of 2021 is an application for condonation of delay thereto.

The delay has been properly explained, as such condoned.

On perusal of the application for restoration it appears that the petitioner was prevented by sufficient cause from appearing before the Court when the matter was called on for hearing.

The order dated January 8, 2021 is, therefore, recalled.

C.O. 1069 of 2018 is restored to its original file and number.

I.A. No. CAN 1 of 2021 and I.A. No. CAN 2 of 2021 are thus disposed of without any order as to costs.

Re: C.O. 1069 of 2018

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for ejectment and is directed against the order No. 59 dated January 6, 2018 passed by the 1st Court of learned Civil Judge (Senior Division), Asansol, District-Paschim Burdwan in the said suit being Title Suit No. 129 of 2010.

The learned Trial Judge by the order impugned has disposed of an application filed by the petitioner under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 holding that the petitioner is defaulter in payment of rent for the month from May 2007 to July 2010 and directed payment of the arrear rent along with 10% interest thereon by two equal monthly instalments.

The learned advocate for the petitioner submits that dispute with regard to the rate of rent has not been properly addressed by the learned Trial Judge and according to her the rate of rent is Rs.800.00 but not Rs.1500.00 per month as held by the learned Trial Judge.

The petitioner has failed to produce any material in support of his claim that the rate of rent is Rs.800.00 per month whereas the plaintiff, opposite party herein has produced

series of counterfoil of the rent receipts to demonstrate the rate of rent is Rs.1500.00 per month.

This Court, therefore, unable to accept the contention of the learned advocate for the petitioner that the issue regarding rate of rent was not properly addressed by the learned Trial Judge.

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

C.O. 1069 of 2018 is dismissed without any order as to costs.

The time for deposit the arrear rent is extended for a period of one month from the date.

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.)