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C.O. 1386 of 2022

Animesh Chakraborty
Vs
Shri Satyajit Sahoo & Anr

Mr. Munir Ahmed,
Mr. Ankit Singh, ... for the petitioner.

Mr. Pappu Adhikari,
Ms. Roma Roy, ... for the opposite parties.

The impugned order dated 21st March, 2022 passed by learned Civil Judge (Junior Division), 1st Court, Sealdah in Ejectment Suit No 39 of 2014 disposing of application under Section 7(2) of the West Bengal Premises Tenancy Act, and subsequently striking off the defence of petitioner/tenant under Section 7(3) of the West Bengal Premises Tenancy Act, simultaneous, with rejection of an application under Section 5 of the Limitation Act, praying for condonation of delay, is under challenge in this revisional application.

Mr. Munir Ahmed, learned advocate appearing for the petitioner in his honest approach candidly submits that he is aware of the inbuilt limitation contained in Section 7(1) and & (2) of the West Bengal Premises Tenancy Act, but the defendant/petitioner should not be made to suffer the mischief of law for the mistake of the learned advocate representing the defendant/tenant in the

Court below, as petitioner/tenant was innocent one having no knowledge over the law.

It is thus proposed by the learned advocate for the petitioner that the ratio of the decision reported in **(2019) 10 SCC 660** delivered in the case of ***Bijay Kumar Singh and Others -vs- Amit Kumar Chamariya and Others*** should not be made applicable over here.

Mr. Pappu Adhikari, learned advocate appearing for the caveator/opposite parties disputes with the submission raised by the petitioner submitting that the ratio of the decision cited by the petitioner would be squarely applied over the facts and circumstances of the case, because of incorporation of inbuilt limitation prescribed in Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act.

Since it is settled proposition of law that application of Section 5 of the Limitation Act would not be applicable over the provisions available under Section 7(1) and 7 (2) of the West Bengal Premises Tenancy Act, the Court is of the view that the settled provision should not be attempted to be rendered unsettled one merely extending sympathy, which is out side the purview of law.

The impugned order does not call for any interference.

With this observation the revisional application stands disposed of.

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

(Subhasis Dasgupta, J)