

01.08.2022
KC(6)

S.A.T. 110 of 2022
Kheru Ram
-versus-
Alya Begum and Ors.
With
CAN 1 of 2022

Mr. Samrat Dey Pal.....For the appellant.

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal,
Ms. Paulomi Chakraborty.....For the respondents.

We find no merit in this second appeal. No question of law is involved, far less any substantial question of law.

The suit by the lessor against the lessee for eviction on the ground of non-payment of rent was decreed by the learned court below. Such decree has been affirmed by the learned first appellate court.

Learned counsel for the appellant tries to submit that the deposit of rent under challan was duly made by the appellant but not considered by the learned court. We reproduce the specific finding of the first appellate court on the issue:

“As regard to the ground of default, the Ld. Trial Judge has rightly concluded that the appellant is defaulter in respect of payment of rent. He was granted the statutory opportunity in respect of his first default. Despite that he has failed to pay monthly rents in time. Accordingly, he is not entitled to get the statutory protection as envisaged in section 17(4) of West Bengal Tenancy

Act, 1956. The arguments forwarded by the appellant in this regard are devoid of any merit. Especially when I find that the challans submitted by the appellant at this stage do not come to his rescue.”

The above was a question of fact on which the appellate court has come to a satisfactory finding. We find no reason to interfere with that finding.

Accordingly, we do not see any reason to admit the appeal.

The appeal (S.A.T. 110 of 2022) and the connected application (CAN 1 of 2022) are dismissed.

However, considering the submissions made by Mr. Pal, learned counsel for the appellant we grant 6 (six) months time to the appellant to quit, vacate and deliver peaceful possession of the premises to the respondents.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)