

14.09.2022
Item No.15
Ct. No.7
CHC
(disposed of)

C.O.2080 of 2022

Vinod Singh
Vs.
Pritepal Singh & anr.

Mr. Manas Kumar Barman
...for the petitioner

Mr. Probal Kumar Mukherjee, Sr. Advocate
Mr. Souradipta Banerjee,
Ms. Fatima Hassan
...for the opposite parties

Mr. Barman, learned advocate appearing for the petitioner raises his grievance for the delay being caused in the disposal of an application filed under Section 7(2) of the W.B.P.T. Act disputing with the relationship between landlord and tenant.

Mr. Barman further submits that time and again the Court has fixed the date, but there has been no tangible movement towards reaching logical conclusion of petition under Section 7(2) of W.B.P.T. Act.

Mr. Banerjee, learned advocate appearing for the opposite parties being led by Mr. Probal Kumar Mukerjee, learned Senior Advocate, submits that the court below has already framed an issue to decide the issue surfaced at the moment, and he has no objection if the matter is decided in an expeditious manner.

Upon perusal of the materials available in the case record, it appears that interlocutory application under Section 7(2) of the W.B.P.T. Act was filed long before, and it is still pending without deciding the issue raised by the petitioner disputing with the relationship between landlord and tenant.

That being the position, no further elaboration is necessary, if the matter is directed to be disposed of in an expeditious manner as mentioned hereinbelow.

Accordingly, learned Judge, 2nd Bench, Presidency Small Causes Court, at Calcutta, in Ejectment Suit No.145 of 2018, is requested to ensure expeditious disposal of interlocutory application referred above under Section 7(2) of the W.B.P.T. Act, providing sufficient opportunity of hearing to either of the parties to this case, preferably within twelve (12) weeks after the Puja Vacation of the court below, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

This would not however, prevent the court below to collect the evidence to decide the issues raised in accordance with the law.

All points raised by Mr. Barman are left open for appropriate address by the court below giving a hearing for the purpose.

Parties are at their liberty to adduce evidence, if any, together with the documents connected therewith

for the decision of application under Section 7(2) of the W.B.P.T. Act.

Parties are directed to make communication of this order to the learned court below.

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.)