

06.01.2022
Item No. 24
Court No.18
A.J.

C.O. 2743 of 2018
(Through Video Conference)
Mr. J.R. Agarwal @ Jogindra Raj Agarwal
-Vs-
Sri Subimal Kundu & Ors.

Mr. Sidhartha Banerjee,
Mr. Nonigopal Chakraborty.
...for the petitioner.
Mr. Mahendra Prasad Gupta,
Mr. D.K. Saila,
Mr. Ayan Mitra,
Ms. Antara Panja.
....for the opposite parties.

The defendant in a suit for eviction on the ground of expiry of lease is the petitioner of the present application under Article 227 of the Constitution of India which is directed against order dated June 29, 2018 passed by the 3rd Court of the learned Civil Judge (Junior Division), at Howrah in the said suit being Title Suit No. 40 of 1989.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Section 17(2) of the West Bengal Premises Tenancy Act, 1956.

The suit, not being a suit under Section 13 of the said Act of 1956, Section 17 thereof has no manner of application in the said suit, as such, the learned Trial Judge has rightly rejected the said application.

The order impugned does not call for any interference.

However, the petitioner since is contesting the suit with the defence of tenancy, appropriate issue in the suit needs to be framed.

C.O. 2743 of 2018 is dismissed without any order as to costs.

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.)