

22.02.2022
(S/L-21)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 2824 of 2019

Sri Hemant Bangur & ors.
-Vs-
Vanaspati Distributors Private Limited

Ms. Usha Doshi,
Ms. Priyanka Gope,
.... For the Petitioners.

Mr. Arijit Bardhan,
Mr. Rishav Dutta Gupta,
Ms. Archita Roy,
... For the Opposite Party.

Ms. Usha Doshi, learned advocate for the petitioners files affidavit-of-service which is taken on record.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for ejectment and is directed against order no. 32 dated July 10, 2019 passed by the learned Judge, 2nd Bench, Presidency Small Causes Court, Calcutta in the said suit being Ejectment Suit No. 127 of 2016.

The learned Trial Judge by the order impugned has allowed the application filed by the defendant/opposite party under Section 7(1) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as 'the said Act') thereby permitting the opposite party to deposit the

admitted arrear rent along with interest @ 10 per cent within thirty days from the date of the order impugned and also disposed of the application under Section 7(2) of the said Act holding that plaintiffs have not alleged the defendant is a defaulter in payment of rent, as such, nothing is required to be adjudicated on the said application.

Ms. Doshi submits that the application under Section 7(1) of the said Act was filed beyond the period of limitation as such the plaintiffs wanted to cross-examine the defendant but the learned Trial Judge by the order impugned has refused the said prayer of the plaintiffs.

Mr. Arijit Bardhan, learned advocate for the opposite party, disputes the contention of Ms. Doshi that the application under Section 7(1) of the said Act was filed beyond the prescribed period of limitation.

Be that as it may, the order impugned is not supported by any reason, as such, not sustainable and is accordingly set aside.

C.O. 2824 of 2019 is disposed of with a request to the learned Trial Judge to decide the applications under Sections 7(1) & 7(2) of the said Act afresh expeditiously in accordance with law preferably within a period of three available

effective working months of the said Court from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

It is made clear that this Court has not gone into the merit of these said applications.

There shall be no 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.)