

11.04.2022
(D/L-26)
Ct.-18
(Susanta)

C.O. 3655 of 2019

Pradip Kr. Sharma Aias
Pradip Sharma & Ors.
-Vs-
Asha Roy

Mr. Asit Kumar Bhattacharya,
Mr. Pramit Chakraborty,
.... For the Petitioners.

The defendants in a suit for ejectment are the petitioners of the present revisional application under Article 227 of the Constitution of India which is directed against the order no. 629 dated July 22, 2019 passed by the 3rd Court of learned Civil Judge (Junior Division), Sealdah in the said suit being Ejectment Suit No. 48 of 2009.

The defendant on November 28, 2018 filed an application under Section 151 of the Code of Civil Procedure along with an application under Section 7(2) of the West Bengal Premises Tenancy Act of 1997.

The learned Trial Judge by the order impugned has dismissed the said applications holding that the petitioner filed an application under 7(2) of the said Act of 1997 long nine years after filing of the suit that too without complying the provision of Section 7(1) thereof .

This Court does not find any illegality and/or infirmity in the order impugned warranting interference.

August 07, 2018 was a date fixed for *ex parte* hearing of the suit, the defendant on the said date did not appear, the learned Trial Judge however allowed the defendant to contest the suit subject to payment of costs of Rs. 5000/-.

The learned Trial Judge by the order impugned has refused the prayer of the defendant to waive the said costs.

In view of the conduct of the defendant, the prayer of the petitioner to waive the said costs has rightly been refused by the learned Trial Judge, however, time for payment of said costs is extended for a further period of one week from date but such payment shall not affect the consequence of non-compliance of the provisions of Section 7 of the said Act of 1997.

C.O. 3655 of 2019 is disposed of with the above terms 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.)