

03.05.2023
rc/ct.no.10
Item No.03

C.O. No. 20 of 2023
Dilip Kumar Mitra
Versus
Prabir Kumar Das

Mr. Mihir Das

Mr. Ajoy Das

...for the petitioner

Mr. Milan Kanti Mondal

...for the respondent

This revisional application has been filed challenging the orders dated 20th April, 2022 and 25th November, 2022 passed by the learned Judge, 5th Bench, Small Causes Court at Calcutta in connection with the Ejectment Suit No. 335 of 2018.

Learned advocate appearing on behalf of the petitioner has submitted that the learned Judge calculated the arrear amount of Rs.75,300/- showing no reason in the order dated 20th April, 2022 whereas the petitioner deposited all challans since the month of July, 1999 showing deposit of rent before the Rent Controller. It is further submitted that after January 1998 the petitioner could not file any rent receipts showing payment of rent till date as they have started depositing rent before the Rent Controller since August, 1998.

On careful perusal of the order impugned dated 20th April, 2022 I find no reason expressed in the order as to why the challans showing payment of rent before the Rent Controller were invalid. Learned Judge should have

recorded the reasons before declaring those challans as invalid.

Considering the aforesaid facts and circumstances I find that the order impugned dated 20th April, 2022 and order dated 25th November, 2022 for reconsideration of the earlier order dated 20th April, 2022 suffers from infirmity and liable to be set aside.

The matter is remanded to the learned Judge or learned Judge-in-Charge, as the case may be, with a request to rehear the application filed under Section 7(2) of the West Bengal Premises Tenancy Act afresh after giving opportunity of hearing to both the parties and assigning the reasons for holding the amount arrears rent.

It is reported that the learned Court is lying vacant. Therefore, the learned Judge-in-Charge is requested to take up the matter and dispose of the application filed under Section 7(2) of the West Bengal Premises Tenancy Act as expeditiously as possible.

With the aforesaid observation the instant revisional application being C.O. No. 20 of 2023 is disposed of.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Bibhas Ranjan De,J)