

01.05.2023
Item No. 16
Ct. No. 237
RUP

CO. 146 of 2023

Sri Goutam Roy
Vs.
Sandhya Das Majumdar

Mr. Amit Baran Dash,
Ms. Ankana Sarkar For the petitioner.

Mrs. Shohini Chakrabarty,
Ms. Prajaaini Das ... for the opposite party.

The order dated 14th September, 2022 has been challenged in this revisional application.

Mr. Amit Baran Dash, learned advocate appearing on behalf of the petitioner has submitted that admittedly there was delay in depositing the rent and prays for mercy.

Mrs. Shohini Chakrabarty, learned advocate appearing on behalf of the opposite party has referred to a case of ***Bijay Kumar Singh and Ors. vs. Amit Kumar Chamariya and Anr.*** reported in **(2019) 10 SCC 660** wherein Hon'ble Apex Court observed about non-application of Section 5 in case of condoning the delay in paying arrears of rent under Section 7 of the West Bengal Premises Tenancy Act.

In the case in hand the petition under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act was filed along with Section 5 on behalf of the

petitioner/defendant. Learned Judge refused to condone the delay pursuant to the principle laid down in ***Bijoy Kumar Singh (Supra)*** as well as principle laid down in ***Calcutta Gujarati Education Society vs. Ajit Narayan Kapoor*** reported in ***2022 (1) Indian Civil Cases, 414 (Cal)***.

On careful perusal of the entire order impugned, I do not find either in the illegality or infirmity to invoke the power under Article 227 of the Constitution of India.

With this observation, the revisional application stands dismissed.

All the parties shall act on the server copy of this order duly downloaded from the official web site of this Court.

Urgent certified copy of this order, if applied for, be given to the appearing parties as expeditiously as possible upon compliance with the all necessary formalities.

(Bibhas Ranjan De, J.)