

05.4.2023
Court No.12
Item no.22
B.M.J.R

C.O 482 of 2022

**Urmila Jaiswara
Vs.
Smt.Parbati Singh & Ors.**

Mr. Tarak Nath Halder
..... For the Opposite Parties

At the time of call, none appears on behalf of the defendant/petitioner. However, Mr. Tarak Nath Halder appears on behalf of the opposite parties. Mr. Halder has handed over a receipted copy of the notice dated 1st March,2023 as stated to have been served upon the learned advocate for the defendant/petitioner.

The notice and list of dates as filed by the learned advocate in Court today be kept on record.

Heard Mr. Halder, learned advocate for the plaintiffs/opposite parties at length. Perused the certified copy of the impugned order dated December 4, 2021 as passed by the learned Civil Judge (Junior Division) Additional Court, Sealdah, South 24 Parganas in Ejectment Suit No. 155 of 2021. Also perused the list of dates as handed over to this Court by Mr. Halder, learned advocate for the plaintiffs/opposite parties.

On conjoint perusal of the certified copy and the list of dates, it would reveal that before the learned trial court in a suit for eviction of the defendant under the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the “said Act”), the defendant entered her appearance on November 16, 2018 and on April 24, 2019 she has filed her written statement. It reveals further that at the stage of further hearing, i.e., in course of cross-examination of p.w.1 the defendant, on January 16, 2020, has come forward with an application under Section 7(2) of the said Act read with section 5 of the Limitation Act which the learned trial court by the impugned order has been pleased to reject.

On perusal of the certified copy of the impugned order, it reveals that while rejecting the said two applications, i.e. one under Section 7(2) and the other under Section 5 of the Limitation Act, as filed by the defendant/petitioner, the learned trial court placed reliance upon the reported decision **‘Bijoy Kumar Singh and others versus Amit Kumar Chamaria and another’** reported in **2021(1)ICC 664(SC)** wherein the Hon’ble Apex court expressed the view that the time limit, i.e. one month for filing a petition under section 7(2) of

the said Act, raising dispute with regard to the amount of rent including period of arrears of rent is mandatory to be followed.

In considered view of this Court, learned trial court while passing the impugned order, has enunciated the correct proposition of law and thus this Court finds no cogent reason to interfere with the same.

Accordingly, the instant revisional application is hereby dismissed. Consequently, the order dated 4th December, 2021 passed by the learned Civil Judge (Junior Division) Additional Court, Sealdah in Ejectment suit No.155 of 2018 is hereby affirmed.

Since the suit is of the year 2018 and since the same has already reached at its peremptory stage, learned trial court is hereby directed to dispose of the Ejectment Suit no.155 of 2018 positively within a period of six months from the date of communication of this order.

(Partha Sarathi Sen, J.)