

23.06.2023
Sl. No.5(DL)
srm

C.O. No. 721 of 2023
Smt. Amita Dey Paul
Versus
Tribhuban Nath Jaiswal

Mr. Partha Pratim Roy,
Mr. Anindya Lahiri,
Mr. Samrat Dey Paul,
Ms. Prisanka Ganguly

...for the Petitioner.

Mr. Taraknath Halder

...for the Opposite party.

As the learned court below by the order impugned dated February 3, 2023 passed in the Ejectment Suit No.33 of 2011 has already held that the relationship of landlord and tenant will be decided at the time of final disposal of the application filed by the petitioner under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 along with the other questions to be determined as per the said section, this Court does not find any illegality in the decision of the learned court below.

The observations shall not influence the learned court below and the application under Section 7(2) of the West Bengal Premises Tenancy Act will be decided on its own

merits on the basis of the records which will be made available by the parties.

In the order dated November 21, 2022 the observation of the learned court that the court was only concerned with the arrear rent and rate of rent paid by the defendants while deciding the application under Section 7(2) of the Act of 1997, is set aside. By a subsequent order, the learned court below has recorded that the relationship of landlord and tenant shall be determined and decided along with the application under Section 7(2) of the Act, upon allowing the parties to adduce oral and documentary evidence. Thus, the relationship of landlord and tenant will be decided with the application under Section 7(2) of the West Bengal Premises Tenancy Act, in accordance with law.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)