

25.9.2023

ct. 236

sk,sl.15

C.O. 1787 of 2014
CAN 1/2014, CAN 2/2023,
Srisriannapurnamatathakurni R/P Shebait Debashis
Chakraborty-vs-Rabindra Nath Das

Mr. Anirban Majumder
...for the petitioner.

1. The opposite parties are not represented.
2. This application under Article 227 of the Constitution of India impeaches the Order No. 16 dated 24.4.2012.
3. By the impugned order, learned trial court was pleased to condone the delay committed by the opposite party/tenant in filing the application under Section 7 of the West Bengal Premises Tenancy Act, 1997.
4. Section 5 of the Limitation Act does not have any application in any manner in a proceeding under Section 7(1)(2) of the West Bengal Premises Tenancy Act.
5. The order impugned is manifestation of erroneous exercise of jurisdiction. The order is set aside.
6. Let a copy of this order be sent down to the learned trial court for information and necessary action.

7. This revisional application along with applications are disposed of.
8. The interim order, if any, stands vacated.

(Siddhartha Roy Chowdhury, J)