

08.02.2022
Item No.2
Ct. No.7
CHC

C.O. 2479 of 2022

Sri Arindam Chaudhuri
Vs.
Mr. Sumohan Sen

Mr. Siddhartha Banerjee,
Mr. Abishek Baran Das,
Mr. Sudipta Nayan Ghosh
...for the petitioner

Affidavit-of-service furnished by the petitioner be taken on record.

Nobody appears for the opposite party despite being noticed.

Thus opportunity extended to the opposite party could not be utilized pursuant to the service effected upon the opposite party.

Mr. Banerjee, learned advocate appearing for the petitioner, while assailing the impugned order dated 4th April, 2022, passed by learned Civil Judge (Junior Division), 2nd Court, at Alipore, in Ejectment Suit No.193 of 2017, submits that though the defendant/opposite party was adjudged to be not a defaulter in a payment of rent till October, 2019, but as there was some spelling mistakes in the name of the petitioner/plaintiff/landlord disclosed in the challan, the petitioner/landlord is not in a position to

withdraw the money already deposited by several challans, which have already been considered by the court below during consideration of application under Section 7(2) of the W.B.P.T. Act.

According to Mr. Banerjee, a wrong spelling in the title of the landlord/plaintiff has resulted difficulties, faced by the petitioner/landlord against the withdrawal of the money.

There is nothing clear, whether the petitioner has taken any appropriate steps upon applying before the court below for withdrawal of the money. Since spelling in the name of plaintiff/landlord has been wrongly used by the depositor of the challans, what is ordinarily used by the petitioner/landlord/plaintiff, this Court finds no reason to elaborate the same in any manner whatsoever.

The revisional stands disposed of giving liberty to petitioner/landlord to apply for withdrawal of the money before the court below supported by relevant documents, if necessary, upon swearing an affidavit, and if any such application is filed within fortnight from the date of communication of this order to the court below, the same shall be resolved in accordance with law passing necessary order in presence of the opposite party.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite party and his learned advocate in the court below.

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

(Subhasis Dasgupta, J.)