

25.09.2023
Court No. 19
Item no.37
CP

C.O. No. 2965 of 2023

Balaka Sangha Club
Vs.
Amal Chandra Das

Mr. Debnath Mahata

.....for the petitioner.

Mr. Arijit Sarkar

.....for the opposite party.

Having heard the learned counsel for the respective parties, this court is of the view that one last chance should be given to the tenant to get his application under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997, filed on September 13, 2022, be heard on merits. The tenant shall also be at liberty to pray for hearing of the application for acceptance of the written statement. All the applications shall be heard and disposed of on merits, independently and in accordance with law.

This order shall not be construed as condonation of the delay in filing the written statement. This order is also not an observation with regard to the maintainability of the application under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997.

On account of the delay caused, the petitioner will pay cost of Rs.3000/- to the opposite party/landlord.

All the applications mentioned hereinabove, shall be disposed of within three months from the date of the communication of this order.

The order impugned dated February 20, 2023, and order dated June 14, 2023, passed by the learned Civil Judge (Senior Division), 3rd Court at Barasat in Title Suit No. 752 of 2022 is modified to the above extent.

Upon disposal of the aforementioned applications and based on the outcome of the same, the suit shall proceed expeditiously and be disposed of within a year.

The revisional application is accordingly disposed of.

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

(Shampa Sarkar, J.)