

6
27.6.2023
Ct. 236
SB

CO 2510 of 2014

In the Matter of : Dilip Santra

As usual none is appearing on behalf of the petitioner.

This revisional application challenges the orders passed by learned Trial Court vide nos. 22 dated 10.8.2012 and 23 dated 26.09.2012 together with order no. 31 dated 6.01.2014. Earlier on 07.6.2023 and subsequently on 15.6.2023 the matter was adjourned.

Upon perusal of record, I find that vide order no. 22 the substituted defendants entered into appearance and 26.9.12 was fixed for hearing of the petition filed under Section 7(2) of the West Bengal Premises Tenancy Act by the defendant. Learned Trial Court disposed of the application under Section 7(2) filed by the original tenant and in presence of the parties on 26.9.2012. The order was never challenged. On 26.9.2013 an application under Section 114 of the Code of Civil Procedure was filed together with an application under Order I Rule 10 of the Code of Civil Procedure.

Learned Trial Court was pleased to reject the prayer for review by the Order No. 31. This application under Order LXVII Rule 1 was filed by the petitioner to review the order passed under Section 7(2) of the West Bengal Premises Tenancy Act and it was rightly rejected by the learned Trial Court as the grounds taken by the defendants are not commensurate to the provision under Order

LXVII Rule 1. Therefore in my view, learned Trial Court did not commit any jurisdictional error vested on it. The impugned order cannot be termed as perverted.

Moreover, the order passed by the learned Trial Court determining the arrears of rent in an application under Section 7(2) has not been challenged.

Under such circumstances, having found no merit in the petition under consideration, I am inclined to dismiss it, however, without costs. Interim order of stay for eight weeks granted on 30.7.2014 cannot be considered to have been in vogue.

Copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)