

18.12.2023
Sl. No.20(DL)
srm

C.O. No. 3783 of 2023

Sri Bikash Guho Roy

Versus

**Iswar Sree Sree Jagabandhu Thakur Jew, Iswar Sree Sree
Durgamata Thakurani and Iswar Sree Sree Laxmimata
Thakurani, represented by its Shebait Sri Siddhartha Roy**

Mr. Raju Ghosh,
Ms. Ipsita Ghosh

...for the Petitioner.

The learned court below by order dated August 23, 2023 rejected two applications filed under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the said Act). The tenant is aggrieved by such order on the ground that in the suit for eviction under Section 2(g) of the said Act, the provisions of Section 7 of the said Act would apply.

This Court is of the view that the learned Civil Judge (Senior Division), 10th Court at Alipore, rightly rejected the applications filed in connection with Title Suit No.533 of 2023.

Section 7 of the said Act would come into play only if a suit for eviction is filed under any of the grounds under Section 6 of the said Act. If the plaintiff cannot prove his case under Section 2(g) of the said Act, then the suit will fail, but

the tenant is not under any obligation to comply with Section 7 of the said Act, in terms of the categorical submission of the plaintiff that the suit is one under Section 2(g) of the said Act, for eviction of a trespasser.

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.)