

25.08.2023.
Item no. 12.
Court No.13
pk

R.V.W. No. 109 of 2019
With
I.A. No. CAN 1 of 2019 (Old CAN 9714 of 2019)
CAN 2 of 2023
In
C.O. No. 2383 of 2018
Surat Chandra Halder & Ors.
Versus
Smt. Jamuna Routh

Mr. Goutam Das,
Ms. Madhumita Patra.

...For the petitioners.

Mr. Tarak Nath Halder.

...For the opposite party.

1. Review is sought of the order dated 19.03.2019. The ground is that the petitioners' cause of action as has been pleaded in the plaint in Eject Case No. 36 of 2008, arose from 1993. The petitioners can therefore maintain the suit before a civil court by reason of the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981.
2. It appears to this Court that at paragraph 4 of the plaint the landlord/review applicant has stated that the cause of action in the suit arose on 01.05.2007.
3. Counsel for the applicant would argue by reliance on a judgement of this Court in Sri Ranjit Sarkar Vs. Smt. Malati Ghosh reported in (2009) 2 CLJ (Cal.) 596 that suits are maintainable in respect of Thika Tenancy property before a civil court if the cause of action arose before 1993.

4. Counsel for the respondent relied upon a division bench decision of this Court in Krishna Shaw Vs. Netai Pandit reported in 2016(3) CHN (CAL) 1 that thika tenancy matters have to be adjudicated only before the Controller. Under the West Bengal Thika Tenancy (Acquisition and Regulation) Act of 2001.

5. In view of the above and particularly the averments in the plaint, this Court is of the view that the review application cannot be entertained. Even otherwise, an error in law, if any, cannot be a ground for review.

6. R.V.W 109 of 2019 is thus dismissed.

7. In view of dismissal of the review petition, connected applications, being CAN 1 of 2019 and CAN 2 of 2023 shall also stand dismissed.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)