

M/L 214
13.11.2024
sb
Ct 5

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1122 of 2024

Karnani Estates (GKK) Pvt. Ltd.
Versus
Perfect Engineering Associates

Mr. Asif Hussain
Ms. Laboni Pan

... For the petitioner

1. The instant revisional application has been filed in effect praying for expeditious disposal of the application filed by the defendant under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the “said Act”).
2. Considering the nature of relief sought for, the present revisional application is taken up for consideration without prior service thereof on the opposite party.
3. Mr. Hussain, learned advocate appearing in support of the revisional application would submit that in the facts noted in the plaint the plaintiff/petitioner had filed an Ejectment Suit, being Suit No. 10 of 2022 which is at present pending before the Court of the learned Civil Judge (Senior Division) Sealdah. Despite the fact that summons had been served on the defendant, the defendant is yet to file written statement. In fact, the application filed by the defendant under Section 7(1) and 7(2) of the said

Act on 29th August, 2022, along with an application for amendment of the application under Section 7(2) of the said Act filed under Section 151 of the Code of Civil Procedure, is yet to be disposed of. He further submits that for the last few dates the defendant has not been causing appearance which had resulted in further delay. He would submit that notwithstanding the learned trial court directing issuance of show cause as to why the application under Section 7(1) and 7(2) shall not be proceeded with ex parte, the applications are yet to be disposed of.

4. Having heard the learned advocate appearing for the petitioner and having considered the materials on record, I am of the view that the application under Section 7(1) and 7(2) of the said Act and the application filed under Section 151 of the Code of Civil Procedure filed by the defendant cannot be kept pending for an indefinite period. Although, the records show that the written objection on behalf of the plaintiff is yet to be filed, however, considering the long pendency, even if, no written objection has been filed, I am of the view that the learned Civil Judge (Senior Division), Sealdah should expeditiously dispose of the aforesaid applications filed by the defendant without granting any unnecessary adjournment to the parties, preferably

within a period of three months from the date of communication of this order.

5. With the above observations and directions, the revisional application, being CO 1122 of 2024 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with requisite formalities.

(Raja Basu Chowdhury, J.)