

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 1236 of 2022

Dipak J. Popat & Ors.
Vs.
M/s. Asiatic Udyog

Mr. Debjit Mukherjee
Mr. Suvadeep Sen
Ms. Sucheta Das
... For the petitioners

Mr. Tanoy Chakraborty
Mr. Keshab Daruka
... For the opposite party

1. Challenge in this revisional application is the order dated 31st March, 2022 passed by the learned Judge, 5th Bench, Small Causes Court, Calcutta, in connection with Ejectment Suit No.320 of 2013.

2. Heard both the learned counsel appearing on behalf of the parties to this revisional application.

3. After careful perusal of the order impugned, it comes to my notice that submissions made on behalf of the parties were reproduced by the learned Judge and he recorded his observation only in one paragraph which runs as follows:-

“Considering the submissions of ld. Advocates for both sides, the petition under Sec.7(2) of the W.B.P.T. Act, written objection, challans and the materials on record, I find that the defendant is a tenant under the plaintiff in respect of the suit premises. It appears from Para-1 of the plaint that the rate of rent @ Rs.990/- is inclusive of all charges payable according to English calendar month. It also

appears that the defendant has been depositing rent regularly before the Rent Controller as well as in Court. Accordingly, I find that there is no due of rent in respect of payment of rent.

Hence, it is

ORDERED

that the petition under Sec.7(2) of the W.B.P.T. Act is disposed of on contest with the following observations:-

That the defendant is a tenant under the plaintiff at a rental of Rs.990/- inclusive all charges payable according to english calendar month.

Defendant is not a defaulter in payment of rent in respect of the suit premises.

Defendant is directed to go on depositing the current rent month by month within 15th day of each succeeding month.”

4. Though the learned Judge considered the submissions advanced on behalf of the parties on the issue of arrears of rent, but it was held that there was no due in respect of payment of rent. With that observation, learned Judge disposed of the application under Section 7(2) of the WBPT Act without giving any specific direction. That apart, one application under Section 7(1) of the WBPT Act was filed seeking permission to deposit the arrears rent. The learned Judge did not address the application by recording any single word.

5. In the aforesaid view of the matter, the impugned order dated 31st March, 2022 stands set aside.

6. The learned Judge, 5th Bench, Small Causes Court, Calcutta, is requested to re-hear the applications filed on

behalf of the defendant/opposite party herein after giving an opportunity of hearing to the parties. This Court expects that the learned Judge will dispose of these applications within a month from the date of communication of this order.

7. The learned Judge is also requested to dispose of the suit, being Ejectment Suit No.320 of 2013, as expeditiously as possible, preferably within six months after disposal of the interlocutory applications, without giving any unnecessary adjournment to any of the parties to the suit unless any unavoidable situation demands.

8. The revisional application, being CO 1236 of 2022, stands disposed of.

9. Learned counsel appearing on behalf of the parties are at liberty to bring this order to the notice of the learned Judge, 5th Bench, Small Causes Court, Calcutta, forthwith.

10. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)