

02.07.2024
Item No.07, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2272 of 2024

Kapur Chand Garg & Anr.

-Vs-

Chhota Bhai Jetha Bhai Patel & Co.

Mr. K.C. Garg,
Mr. S. Agarwal,
Mr. Ajay Kumar Singh.
...for the petitioners.

Mr. Krishna Das Poddar.
...for the opposite party.

The plaintiffs, in a suit for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997, are the petitioners of the instant application under Article 227 of the Constitution of India which is directed against Order No. 114 dated April 10, 2024 passed by the learned Judge, 2nd Bench, The Presidency Small Causes Court at Calcutta in the said suit being Ejectment Suit No. 463 of 2009.

The defendant/opposite party had filed an application under Section 7(2) of the said Act of 1997 raising a dispute with regard to the rate of rent.

The learned Trial Judge, by the order impugned, has disposed of the said application holding that the rate of rent is Rs.418/- per month, payable according to English calendar month as alleged by the tenant, not Rs.3761/- per month as alleged by the plaintiffs, and the defendant/tenant is not a defaulter in payment of rent.

Mr. Garg, learned Advocate for the plaintiffs/petitioners submits that the petitioners, after purchase of the suit property duly served letter of attornment upon the defendant/tenant, as such, deposit of rent with the rent controller in the name of the erstwhile

owner of the premises is bad; the learned Trial Judge has, therefore, committed an error in treating those deposits as valid deposits.

Heard Mr. Garg; perused the materials on record.

It appears that the plaintiffs did not adduce any evidence to prove such letter of attornment was issued;; in fact, the plaintiffs did not file any written objection to the application under section 7(2) of the said act of 1997.

The learned Trial Judge under such circumstances, on the basis of the documents proved by the defendant/tenant, has held that the rate of rent is Rs.418/- per month as claimed by the defendant/tenant and pre-suit deposits of such rent with the rent controller are valid deposits.

This Court does not find any illegality and/or infirmity in the order impugned warranting interference.

The suit is pending for the last 15 years, as such, disposal of it must be expedited.

The learned Trial Judge is requested to expedite the disposal of the suit, and in doing so, shall not entertain the prayer of the parties for any unnecessary adjournment.

C.O. 2272 of 2024 is, thus, disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)