

04.07.2024
Item No.06, DL
Ct.19
A.J.

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

C.O. 2297 of 2024

Smt. Parul Das & Ors.

-Vs-

Smt. Sabita Pal

Mr. Tapash Kumar Dey,
Ms. Saswati Ghosh Sinha,
Ms. Susmita Mondal.
.....for the petitioners.

Mr. Kushal Chatterjee,
Mr. Oishik Chatterjee.
.....for the opposite party.

The defendants in a suit for Ejectment are the petitioners of the instant application under Article 227 of the Constitution of India, which is directed against Order dated October 16, 2023 passed by the learned Civil Judge (Junior Division) at Bidhannagar, District: 24 Parganas (North) in the said suit being Ejectment Suit No. 63 of 2007.

The learned Trial Judge, by the order impugned, has disposed of an application filed by the petitioners under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 holding that the petitioners are the defaulters in payment of rent for the period from the month of January, 2000 till September, 2023 and have assessed the arrear rent @ Rs.800/- per month, payable according to the English calendar month, with statutory interest @ 10% per annum thereon at Rs.7,15,260/- (Rupees Seven Lakhs Fifteen Thousand Two Hundred Sixty Only).

The said amount was directed to be paid within a month from the said order and the current rent was directed to be paid within the 15th day of each succeeding month for which it falls due.

Mr. Dey, learned advocate for the petitioners submits that the tenant, by the said application, had raised

the dispute with regard to the existence of the relationship of tenant and landlady between the parties and had denied that the plaintiff is the owner of the suit premises; to substantiate those allegations, the petitioners had proved different documents, but the learned Trial Judge, without considering those documents, has held that the plaintiff is the owner of the suit property and the landlady of the petitioners.

Having heard Mr. Dey, and on perusal of the materials-on-record, it appears that the petitioners, in the application under Section 7(2) of the said Act of 1997 have admitted that the erstwhile owner of the suit premises, i.e. the vendor of the petitioners was their landlady but have sought to raise a dispute regarding her capacity to sell the suit premises to the plaintiff and have alleged that in violation of the terms of the lease, the suit premises was transferred in favour of the plaintiff.

The admission of the relationship of the landlady and tenant between the erstwhile owner of the suit premises and the petitioners is sufficient to hold existence of landlord-tenant relationship between the parties.

The order impugned, therefore, does not call for any interference.

However, time to make payment of the assessed arrear rent with interest to the plaintiff is extended for a further period of one month from date.

To facilitate the said payment, the plaintiff shall supply the details of her bank account to the defendants within a week from date.

C.O. 2297 of 2024 is thus dismissed without any order as to costs.

This suit is pending since 2007; it is unfortunate that almost 17 years has been consumed to dispose of an

application under Section 7(2) of the said Act of 1997. The learned Trial Judge, therefore, is requested to expedite the disposal of it and in doing so, shall not grant any unnecessary adjournment to either of the parties.

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.)