

30.07.2024
Item No.14, DL
Ct.19
A.J.

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

C.O. 2670 of 2024

**Dhirendra Prasad @ Dhirendra
Prasad Chaurasia & Anr.**

-Vs-

Md. Siraj & Anr.

Mr. Shaunak Mukhopadhyay,
Mr. Dhiraj Kumar Gupta,
Mr. Swarup Saha.
.....for the petitioners.

The instant application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for Ejectment which is directed against Order No. 9 dated June 26, 2024 passed by the learned Chief Judge, Presidency Small Causes Court at Calcutta in the said suit being Ejectment Suit No.247 of 2023.

The learned Trial Judge by the order dated October 12, 2023 had permitted the petitioners to deposit the arrear rent along with the with interest thereon under Section 7(1) of The West Bengal Premises Tenancy Act, 1997 within a period of 30 days from the date of the said order.

The petitioners defaulted in depositing the said amount within the time fixed by the said order and by an application under Section 151 of the Code of Civil Procedure dated December 04, 2023, had prayed extension of time to deposit the said amount of arrear rent alleging that the arrear rent was handed over to the clerk of their learned

Advocate within time but due to his absence in the Court on account of medical emergency, he did not deposit it.

The learned Trial Judge by the order impugned has dismissed the said application holding *inter alia* that in light of the judgment of the Hon'ble Supreme Court in the case of **BIJAY JUMAR SINGH vs. AMIT KUMAR CHAMARIYA** reported in **(2019) 10 Supreme Court Cases 660**, recourse to the provisions of The Limitation Act, 1963 cannot be availed for condonation of delay in complying with the requirement of Section 7(1) of the said Act of 1997, in view thereof, this Court does not find any reason to interfere with the order impugned.

C.O. 2670 of 2024 is dismissed as such without any order as to costs.

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.)