

31.07.2024
(D/L-21)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2708 of 2024

Sri Manoj Kumar Dey
-Vs-
Sri Shyam Sarkar Biswas

Mr. Saptarshi Kr. Kundu,
... For the Petitioner.

The defendant in a suit for eviction is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the order No. 24 dated March 20, 2024 passed by the 1st Court of learned Civil Judge (Junior Division), Ranaghat, District-Nadia, in the said suit being Title Suit No. 75 of 2021.

The petitioner had prayed for framing of a preliminary issue to determine the existence of relationship of landlord and tenant between the parties.

The learned Trial Judge, by the order impugned has refused the prayer of the petitioner holding that it is a mixed question of law and fact.

The petitioner, in his pending application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997, has invited the learned Trial Judge to determine the dispute regarding the existence of the relationship of landlord and tenant between the parties, as such, the prayer of the

petitioner for framing of a preliminary issue for determination of the selfsame dispute is absolutely *mala fide*, as such, the order impugned does not call for any interference.

C.O. 2708 of 2024 is thus dismissed with the above observations 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)