

27.08.2024
(D/L-13)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2996 of 2024

Sri Alope Kumar Chowdhury @
Alope Chowdhury
-Vs-
Sri Chandi Charan Dutta

Ms. Smita Pal,

... For the Petitioner.

Mr. Parashar Baidya,

Mr. S. Mondal,

.... For the Opposite Party.

The defendant in a suit for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as “the said Act of 1997” in short) is the petitioner of the instant revisional application under Article 227 of the Constitution of India which is directed against Order No. 94 dated July 09, 2024 passed by the 2nd Court of learned Civil Judge (Junior Division), Serampore, District: Hooghly in the said suit being Title Suit No. 524 of 2019.

The defendant, the petitioner herein by an application under Section 7(2) of the said Act of 1997 had raised two disputes i.e., regarding the existence of the relationship of landlord and tenant between the parties and the alleged period of default in payment of rent.

The learned Trial Judge on the basis of the documents proved in the proceeding under Section 7 of the said Act 1997 has held that the relationship of landlord and tenant does exist.

The learned Trial Judge has further held that the plaintiff is entitled to arrear rent from the date of his purchase of the suit property not from the date as alleged i.e. for the period from July 2016 to December 2019 and the defendant is defaulter in payment of rent for the said period as no document was brought on record in support of the claim of payment of rent for the said period.

It appears from the record that the findings of the learned Trial Judge are based on the evidence proved in course of the trial of the said application as such the order impugned does not call for any interference, C.O. 2996 of 2024 is therefore dismissed without any order as to costs.

The time to deposit the assessed arrear rent however is extended for further period of 30 days from date.

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.)