

**Item 13.12.**  
**No. 2024**  
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**Ct**  
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IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE

**CO 2802 of 2022**  
**CAN 1 of 2024**

**Sri Sumit Mullick**  
**Vs**  
**Mrs. Suparna Sengupta & Ors.**

Mr. Abhijit Ray,  
Mr. Santu Nandy,  
Mr. Sirsendu Bikash Pal.

...for the petitioner.

Mr. Debnath Ganguly,  
Mr. Supriyo Dutta.

... for the opposite parties.

1. Both the learned counsel appearing on behalf of the parties to this revisional application are present.
2. This revisional application has been preferred assailing the orders dated 10.02.2022 and 27.07.2022 passed in connection with Title Suit No. 1221 of 2019, wherein Learned Civil Judge (Junior Division, 3<sup>rd</sup> Additional Court, Alipore, South 24 Parganas passed an ex parte order on 10.02.2022 allowing the application under Section 7(1) of the West Bengal Premises Tenancy Act, 1997 and by the order dated 27<sup>th</sup> July, 2022, Learned Judge rejected the application under Section 151 of the Code of Civil Procedure with a prayer for recalling the order dated 10.02.2022.

3. Learned counsel appearing on behalf of the petitioner has drawn my attention to the copy of the plaint annexed with this revisional application, wherefrom it is seen that the suit was filed in terms of provision of Section 2(g) of the W.B.P.T Act, 1997 after demise of the original tenant Ranjan Kumar Sen @ Sengupta, in respect of subject property.
4. It is further submitted that in a suit under Section 2(g) of the W.B.P.T Act, the provision of Section 7(1) of the W.B.P.T Act has no role to play as the suit was filed for recovery of possession from the unauthorized occupiers.
5. Learned counsel appearing on behalf of the opposite parties, in his usual fairness, has conceded the submission advanced on behalf of the petitioner.
6. Considering all facts and circumstances, I am also of the opinion that in a suit under Section 2(g) of the W.B.P.T Act, defendant of the suit has no right to file any application either under Section 7(1) & 7(2) of the W.B.P.T Act.
7. Regard being had to the above, the order dated 10.02.2022 is found not sustainable in law and as a sequel the order dated 27.07.2022 is also liable to be set aside.
8. Defendants/opposite parties herein is at liberty to withdraw the amount deposited at the time of filing

the application under Section 7(1) of the W.B.P.T Act.

9. With the aforesaid observation, the revisional application along with CAN 1 of 2024 stand disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

***(Bibhas Ranjan De, J.)***