

30.08.2024  
Item No.13,  
DL, Ct.19  
A.J.

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

**C.O. 3036 of 2024**

**Smt. Sujata Danda (Phillips)**

**-Vs-**

**Ajit Kumar Pandit & Ors.**

Mr. Akbar Ali. ....for the petitioner.

The defendant in a suit for Ejectment is the petitioner in the instant application under Article 227 of the Constitution of India and is directed against Order No. 97 dated July 16, 2024 passed by the learned Judge, 2<sup>nd</sup> Bench, Presidency Small Causes Court at Calcutta in the said suit being Ejectment Suit No. 403 of 2013.

The learned Trial Judge by the order impugned has dismissed an application for condonation of delay in filing an application for review of the order passed under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 way back on February 15, 2020.

The said order dated February 15, 2020 was affirmed in C.O. 1054 of 2020 with the following observations:-

“The learned Trial Judge upon appreciation of the aforementioned evidences has held that the rate of rent is Rs.1500/- per month and the petitioner is defaulter in payment of rent since November 2002.

This Court in exercise of the jurisdiction under Article 227 of the Constitution of India is not inclined to rep-appreciate the said evidence to hold contrary.”

The learned advocate for the petitioner submits that since this Court did not interfere with the said order dated February 15, 2020 on the ground that re-appreciation of the evidences on record is not permissible under Article 227 of the Constitution of India, it was open for the petitioner to demonstrate that the materials on evidence was not considered while disposing of the said application under Section 7(2) of the said Act of 1997.

The argument is entirely misconceived, as such, deserves outright rejection, the said Ejectment Suit was filed in the year 2013 but is yet to cross the stage of Section 7 of the said Act of 1997, the application for review is clearly aimed to cause further delay in the disposal of the suit, therefore, the order impugned does not call for any interference.

C.O. 3036 of 2024 is thus dismissed without any order as to costs.

The learned Trial Judge however is requested to expedite the disposal of the Ejectment Suit in accordance with law, and in doing so, shall not grant any unnecessary adjournment to either of the parties.

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.)**