

11.09.2024
Item No.31 DL
Ct.19
A.J.

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

C.O. 3237 of 2024

Asit Bez & Anr.

-Vs-

Arati Ghosh & Anr.

Mr. Dipak Kumar Mukherjee,
Mr. Rajib Mukherjee,
Ms. Shreyasi Bhaduri.

.....for the petitioners.

The defendants in a suit for declaration of tenancy right are the petitioners in the instant application under Article 227 of the Constitution of India which is directed against Order No. 15 dated August 12, 2024 passed by the 1st Court of the learned Civil Judge (Junior Division) at Serampore, District: Hooghly in the said suit being *Title Suit No. 67 of 2023*.

The petitioners had filed an application under Order 7 Rule 11 of the Code of Civil Procedure for rejection of the plaint of the said suit on the ground that the plaintiffs by operation of Section 2(g) of the West Bengal Premises Tenancy Act, 1997 is no longer a tenant, as such, is entitled to get the declaration of their tenancy right over the suit property.

The time limit of five years shall not apply to the spouse of the deceased tenant. The widow of the deceased tenant since is admittedly alive and is one of the plaintiffs of the said suit, the learned Trial Judge has rightly dismissed the said application of the petitioners under Order 7 Rule 11 of the Code.

C.O. 3237 of 2024 is dismissed 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.)