

Court No. 6
(265719)

27.03.2025
(AD 70)
(S. Banerjee)

CO 126 of 2025

Ratna Ghosh
Vs.
Minati Paul & Ors.

Mr. Abhijit Ray
Mr. Gautam Ray

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated December 4, 2024 passed by the learned Judge, 4th Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 190 of 2012. By the order impugned the application under Section 7(3) of the West Bengal Premises Tenancy Act, 1997, was allowed thereby striking out the defence of the petitioner against delivery of possession.

Mr. Ray, learned advocate for the petitioner submits that the petitioner complied with the direction contained in the order passed under Section 7(2) of the 1997 Act and there was no subsequent default thereafter.

The learned trial Judge in the order impugned has recorded that the original defendant defaulted in

payment of rent since March, 2018 and, therefore, the same amounts to non-compliance of the provisions of Section 7(1)(c) of the 1997 Act. Mr. Ray submits that such an error is an error apparent on the face of the record. He prays for leave to withdraw this revisional application with liberty to approach the appropriate forum in accordance with law.

In the light of the submissions made by the learned advocate for the petitioner, CO 126 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum by filing an appropriate application for review.

If such an application is made, the learned trial Judge is requested to consider and dispose of the same in accordance with law.

(Hiranmay Bhattacharyya, J.)