

Court No. 6
(265719)

18.09.2025
(A 842)
(S. Banerjee)

CO 267 of 2025

Dilip Barma & Anr.
Vs.
M/s. Gangaram & Sons (Financiers) Pvt. Ltd.

Mr. Sanjoy Ghosh

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no. 131 dated May 20, 2024 passed by the learned Civil Judge (Jr. Division), 1st Additional Court, Purba Bardhaman in Title Suit No. 59 of 2014. By the order impugned, the application under Section 7(3) of the West Bengal Premises Tenancy Act was allowed thereby striking out the defence of the petitioners for delivery of possession.

Learned advocate appearing for the petitioners submits that the petitioners deposited rent in compliance with the provisions of Section 7(1) of the West Bengal Premises Tenancy Act till the month of December, 2018. However, learned advocate appearing for the petitioners, in his usual fairness, submits that rent after the month of December, 2018 was not deposited. He submits that the petitioners be

permitted to deposit the arrear rent along with interest.

Section 7(3) of the West Bengal Premises Tenancy Act states that if the tenant fails to deposit or pay any amount referred to in sub-Section 1 or 2 of Section 7 of the West Bengal Premises Tenancy Act within the time specified therein or within such extended time as may be granted, the court shall order the defence against delivery of possession to be struck out and shall proceed with the hearing of the suit. Admittedly the petitioners did not deposit the rent after December, 2018.

Thus, there was non-compliance on the part of the petitioners of the provisions of Section 7(1) of the West Bengal Premises Tenancy Act, 1997. The learned trial judge after considering the materials on record arrived at a factual finding that the defendant has failed to comply with the order of the court and the provisions of law as incorporated under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997.

The learned advocate appearing for the petitioners in course of his argument could not controvert such factual finding arrived at by the learned trial judge.

The impugned order does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India. Accordingly, CO 267 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)