

11.03.2025
Sl No.18
Court No.236
(gc)

**CO 389 of 2024
CAN 1 of 2025**

**Ashok Mahnot @ Ashok Kumar Mahnot
Vs.
Pritepal Singh & Anr.**

Mr. Dhananjay Banerjee,
Mr. Samrat Choudhury
... for the Petitioner.
Mr. Souradipta Banerjee,
Ms. Fatima Hassan,
Mr. Arunesh Pathak
...for the Opposite Parties.

1. Learned Advocate for the petitioner and the learned Advocate for the opposite parties are present.
2. Heard the learned Advocates for the parties.
3. This revisional application is directed against the order dated 12.12.2023 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta in Ejectment Suit No.144 of 2018.
4. Learned Advocate for the petitioner submits that although the applications under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 were not filed beyond the period of limitation but the learned Trial Judge was pleased to reject the prayer on the ground of limitation and strike out the defence of the defendant. Learned Advocate for the petitioner also relies upon the judgment passed by this Court in CO 391 of

2024 where the facts of the case are same. The learned Judge while disposing of CO 391 of 2024 was pleased to observe as follows:-

“14. Apart from the aforesaid, when in a proceeding, the said Act of 1963 does not apply, the provision of Section 12 of the Bengal General Clauses Act, 1899 does and by virtue thereof, whereby any Bengal Act/West Bengal Act made after the commencement of the said Act of 1899, any Act or proceeding, if directed or allowed to be done or taken in any Court or Office on a certain day or within a prescribed period, then if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time, if it is done or taken on the next day afterwards on which the Court or Office is open.”

5. Learned Advocate for the opposite parties objects to the prayer of the petitioner.
6. Upon considering the facts of the case and the decision of this Court in CO 391 of 2024, this Court is of the view that as the facts of the case are same, this revisional application should be allowed. Thus, this revisional application is allowed.
7. The impugned order dated 12.12.2023 passed in Ejectment Suit No.144 of 2018 by the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta is set aside.

8. The matter is remitted back to the learned Trial Court to reconsider the applications under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1996 in accordance with law and by a reasoned order.
9. As these applications are pending from 2018, the learned Trial Judge is requested to dispose of these applications expeditiously preferably within a period of six weeks from the date of communication of this order.
10. It is hereby made clear that this Court has not gone into the merits of the case and all points excluding the point of limitation is kept open.
11. Accordingly, the revisional application and the connected application being CAN 1 of 2025 are disposed of.
12. However, there shall be no order as to costs.
13. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Biswaroop Chowdhury, J.)