

19.09.2025
Sl.No. 07
Cp/Gb

C.O. 389 of 2020
With
CAN 2 of 2023

Md. Alam Ansari & Anr.
Vs.
Syed Nazmul Hossain & Ors.

Mr. Abhijit Ray
Mr. Santu Nandy

.....for the petitioners.

Mr. Jishnu Chowdhury, Sr. Advocate
Mr. Indrajeet Dasgupta
Mr. Syed Raihanul Hossain

.....for the opposite parties.

The petitioners have challenged an order dated 18.01.2020, passed by the learned Chief Judge, Small Causes Court at Calcutta, in Ejectment Suit No.283 of 2019.

By the order impugned, the learned Judge had rejected an application for condonation of delay filed in connection with an application under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997. The learned court, by following the various decisions of the Hon'ble Apex Court and of this Court had rejected the prayer for condonation of delay.

This Court, sitting singly, and in a Division Bench already held that Section 5 of the Limitation Act would not be applicable in respect of applications under Sections 7(1) and 7(2) of the West Bengal

Premises Tenancy Act, 1997. One such decision passed by this Court in the matter of ***Seventh Day Adventist Senior Secondary School vs. Ismat Ahmed & Ors.***, reported in ***2024 SCC OnLine Cal 12100***, was challenged before the Hon'ble Court.

On the last occasion, Mr. Haradhan Banerjee, learned senior advocate, appeared in the matter and requested the Court to adjourn the proceeding, as an appeal from the decision of this Court had been pending before the Hon'ble Apex Court.

Ultimately the appeal has been disposed of by the Hon'ble Apex Court upon upholding the decision of this Court. Thus, the issue as of now has reached a finality and it is a settled position as of now that an application under Section 5 of the Limitation Act will not be maintainable, for condonation of delay in filing applications under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997.

Mr. Nandy, learned advocate for the petitioners, submits that he does not want to proceed with the revisional application.

Accordingly, the revisional application is dismissed as withdrawn. Connected applications, if any, shall stand disposed of.

The suit shall proceed from the stage it had reached and in view of the delay already caused, it is requested that the suit be disposed of expeditiously,

at an early date, preferably within a period of four months.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)