

M/L- 67
06/03/2025
Ct. No.-6
Aritra

C.O. 463 of 2025

**M/s Jagadish Industries
Versus
Shiw Shankar Shaw**

Mr. Vinay Joshi

...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 being No.30 dated December 13, 2024 passed by the learned Civil Judge (Jr. Div.), 1st Court, Howrah in Title Suit No.1193 of 2020.

By the order impugned the prayer for condonation of delay in filing the application under Sections 7(1) and 7(2) of West Bengal Premises Tenancy Act, 1997 stood rejected and the defence of the petitioner against delivery of possession was struck off.

The learned advocate appearing for the petitioner vehemently submits that the petitioner entered appearance and filed the application under Sections 7(1) and 7(2) of West Bengal Premises Tenancy Act during the COVID-19 pandemic and in view of the order passed by the Hon'ble Supreme Court extending the period of limitation, the delay in filing the application under Sections 7(1) and 7(2) of West Bengal Premises Tenancy Act should be condoned.

However, after going through the materials on record this Court finds that the petitioner entered appearance in the suit on February 20, 2021 and filed the

applications under Sections 7(1) and 7(2) of West Bengal Premises Tenancy Act.

The learned Trial Judge took into consideration the effect of the order passed by the Hon'ble Supreme Court extending the period of limitation in a *suo moto* case and recorded a factual finding that even after February 28, 2022 the defendant/petitioner herein did not deposit the admitted arrears of rent. It is well-settled that the tenant has to deposit the admitted arrears of rent as per the provisions of Section 7(2) of the West Bengal Premises Tenancy Act in case there is a dispute and file an application for adjudication of such dispute.

Since the admitted arrears of rent have not been deposited even after February 28, 2022, this Court is of the considered view that the learned Trial Judge was justified in not condoning the delay and consequently rejecting the applications under Sections 7(1) and 7(2) of West Bengal Premises Tenancy Act.

As a result, the provisions under Section 7(3) of the 1997 Act automatically stood attracted and the learned Trial Judge was right in striking of the defence of the petitioner against delivery of possession.

In view thereof, this Court is not inclined to interfere with the order impugned.

CO 463 of 2025 stands dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)