

Sl.95
11.03.2025
Court No.6
BP

C.O. 492 of 2025

Nikhil Kanoria
-versus-
Probir Mitra

Mr. Srinjay Das
Mr. Sumit Kumar Dey
... 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.11 dated 13th March, 2024 passed by the learned Chief Judge, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 370 of 2022.

By the order impugned the applications under Section 7(1) and 7 (2) of the West Bengal Premises Tenancy Act stood rejected. It is not in dispute that the aforesaid applications were filed beyond the time limit prescribed under Section 7 (1) and 7 (2) of the West Bengal Premises Tenancy Act. It is well settled that an application under Section 5 of the Limitation Act is not maintainable to condone the delay in complying the provisions under Section 7(1) of the West Bengal Premises Tenancy Act as Section 7(1) does not contemplate filing of any application. It is also well settled that an application under Section 5 of the

Limitation Act is not maintainable to condone the delay in filing the application under Section 7 (2) of the said Act. It is not in dispute that the petitioner herein received the summons on 7th December, 2022 and the applications under Section 7(1) and 7(2) was filed on 20th March, 2023.

After going through the impugned order this Court finds that the learned trial judge rightly took note of the decision of the Hon'ble Supreme Court in the case of Bijay Kumar Singh & others vs. Amit Kumar Chamariya and another and assigned cogent reasons for rejection of the said application.

Therefore, this Court is not inclined to interfere with the order impugned.

C.O. 492 of 2025 stands dismissed.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)