

11.09.2025
SL No.12
Court No.16
(gc)

FA 332 of 2025
CAN 1 of 2025

Partha Saha
Vs.
Ruma Nag

Mr. Shounak Bhattacharya,
Mr. Mainak Chandra,
Mr. Anirban Saha Roy,
Ms. Bipasha Bhattacharya
...for the Appellant.

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya,
Ms. Priyanka Jana
...for the Respondent.

1. The appeal is arising out of a decree passed by the learned Trial Judge in a suit for eviction. The original tenant, Netai Pada Saha died on 2nd March, 2003. He was survived by widow and son. The widow and the son were ordinarily residing with the original tenant at the time of his death. By reason of Section 2(g) of the West Bengal Premises Tenancy Act, the time limit of five years applicable to the legal heirs of the original tenant would not be applicable in respect of a spouse of the tenant who was ordinarily leaving up to his death as a member of his family and was dependent on him and she does not occupy any residential premises. Admittedly, the widow comes within the

exception under Section 2(g) of the said Act and, accordingly, she was residing in the said premises upon payment of rent as would be evident from the documents exhibited at the trial. The rent receipts are in the name of the widow till he was alive. After the death, the son has no independent right to occupy the said premises.

2. The learned Trial Court on such consideration has decreed the suit.
3. We do not find any reason to interfere with the said decree in view of the settled position of law and the evidence on record.
4. However, the landlord has consented to the occupation of the respondent to the flat in question till 31st December, 2025.
5. In the event the flat is not vacated on or before 31st December, 2025, the decree shall be put to execution immediately.
6. The occupational charges payable on termination of the tenancy shall be paid to the appellant to be calculated at the rent last paid.
7. Accordingly, the appeal and the application are disposed of.
8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)