

February 25, 2025
Sl. No.26
Court No.6
s.biswas

CO 632 of 2025

Sri Sujoy Saha
vs.
Smt. Ujjwala Rani Adhya

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
Mr. Arka Mondal
Mr. Pratap Yadav

... for the petitioner

This application under Article 227 of the Constitution of India at the instance of the defendant in a suit for eviction under the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as 'the said Act') and is directed against an order being No.9 dated 13th December, 2024 passed by the learned Civil Judge (Junior Division), 1st Court, Chandernagar, Hooghly in Title Suit No.175 of 2023. By the order impugned, an application under Section 5 of the Limitation Act filed by the petitioner in connection with the applications under Section 7(1) and 7(2) of the said Act stood rejected.

The learned advocate for the petitioner submits that there was a delay of only 8 days in filing the applications under Section 7(1) and 7(2) of the said Act. He further submits that the delay was occasioned due to fault of the learned advocate. He submits that the learned trial judge ought to have condoned the marginal delay in filing the applications under Section 7(1) and 7(2) of the Act by

applying provision under Section 5 of the Limitation Act.

It is not in dispute that the applications under Section 7(1) and 7(2) of the said Act were filed beyond the period prescribed under the statute. The application was accompanied by an application under Section 5 of the Limitation Act. The learned trial judge took note of the decision of the Hon'ble Supreme Court in the case of *Vijay Kumar Singh & Ors. vs. Amit Kumar Chamariya & Ors.* reported in *2019 (2) RLR (S.C) 506* and the recent decision in the case of *Amal Boral vs. Debasis Paul* reported in *(2019) 3 Cal LT 659 (HC)* and held that Section 5 of the Limitation Act cannot be cited for condoning delay in filing the applications under Section 7(1) and 7(2) of the said Act.

The impugned order is well-reasoned order.

For the reasons stated hereinabove, this court is not inclined to interfere with the order impugned.

CO 632 of 2025 stands dismissed. There shall be however no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)