

Court No. 6
(265759)

27.02.2025
(AD 12)
(S. Banerjee)

CO 677 of 2025

East End Hardware Pvt. Ltd.
Vs.
Subir Kumar Saha & Anr.

Mr. A. Mookherjee
Mr. Prithis Chandra
Mr. Debdut Banerjee

...for the petitioner

Mr. Sourav Sen, Sr. Advocate
Mr. Nilanjan Pal
Mr. Chiranjeet Chatterjee
Mr. Arghya Mullick
Mr. Anindya Sengupta
Mr. A. Chakraborty

...for the opposite parties

By the order impugned the application under Section 151 of the Code of Civil Procedure praying for recalling of the order dated December, 10, 2024, stood rejected.

The opposite parties herein filed a suit for eviction under the West Bengal Premises Tenancy Act, 1997 inter alia on the ground of second default.

It has been specifically stated in the application under Section 7(1)(a) of the West Bengal Premises Tenancy Act, 1997 that the petitioner received summons of the suit on November 11, 2024. The petitioner entered appearance in the suit on November 18, 2024. The petitioner filed an

application under Section 7(1) of the 1997 Act and an order was passed on December 10, 2024 permitting the petitioner to deposit the amount in terms of the said order. However, the petitioner instead of making the deposit in terms of the provisions laid down under Section 7(1) of the 1997 Act chose to file an application under Section 151 of the CPC praying for recalling the order dated December 10, 2024.

It is not in dispute that the admitted arrears have not been paid by the petitioner within the time limit stipulated under the provisions of Section 7(1) of the Act of 1997.

Learned advocate appearing for the petitioner submits that the delay in deposit was only due to the wrong advice given by the lawyer and the delay is marginal and the learned trial Judge ought to have allowed the petitioner to deposit within a time limit that may have been stipulated by the learned trial Judge.

Mr. Sen, learned Senior Advocate, appearing for the opposite parties vehemently opposed such prayer. In support of such contention he places reliance upon a decision of this Court in the case of *Parbati Charone Roquitte –Vs.- Pawan Agarwal*, reported in 2024(4) ICC 99.

It is well settled that Section 7 of the 1997 Act does not contemplate filing of any application. In view thereof, there is no question of granting any extension of time to comply with the requirement stipulated under the said provision.

Learned trial Judge noted the relevant provisions as well as the well settled proposition of law while passing the impugned order.

This Court does not find any infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

CO 677 of 2025 stands disposed of.

There shall be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)