

D/L - 39
10/03/2025
Court. No. 6
S.Kundu

C.O. 688 of 2025

**Pradip Kumar Shaw
Vs.
Swapan Kumar Shaw & Ors.**

Mr. Subham Rakshit,
Mr. Amit Kumar Rakshit

...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. 24 dated 4th February, 2025 passed by the learned Civil Judge (Junior Division), Chandernagore, Hooghly in Title Suit No. 128 of 2021.

By the order impugned the application under Section 5 of the Limitation Act filed in connection with Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act stood rejected.

It is now well settled that an application under Section 5 of the Limitation Act is not maintainable to condone the delay in complying with the provisions under Section 7(1) of the 1997 Act as Section 7(1) of the said Act 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 for condoning

the delay in filing the application under Section 7(2) of the 1997 Act.

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

Accordingly, C.O. 688 of 2025 stands dismissed.

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

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

(Hiranmay Bhattacharyya, J.)