

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 1115 of 2022

Mrs. Gulab Manot & Ors.
Vs.
Sree Kamakhya Tea Company Pvt. Ltd.

Ms. Manju Agarwal, Sr. Counsel
Ms. Anju Manot
... For the petitioners

Mr. Balaram Neogi
... For the opposite party

1. This revisional application has been filed assailing the Order No.58 dated 31st March, 2022 passed in connection with Ejectment Suit No.57 of 2016 wherein the learned Civil Judge (Junior Division), 2nd Court, Alipore, South 24-Parganas, rejected one application under Section 151 of the Code of Civil Procedure (in short, CPC) filed by the plaintiffs/petitioners herein on the ground that the petitioners of the application under Section 7(2) of the West Bengal Premises Tenancy Act have no locus to submit the same as they have not been authorised by the defendant/Sree Kamakhya Tea Company Private Limited.

2. The learned Judge in dealing with the application under Section 151 of the CPC dealt with two authorisation letters dated 16th January, 2017 and 8th October, 2013 whereby one Pramod Kumar Sharaf was

alleged to have been authorised to take all steps on behalf of the Company in the suit.

3. Ms. Manju Agarwal, learned senior counsel, appearing on behalf of the petitioners has referred to the written objection against the application under Section 151 of the CPC as well as reply thereto on behalf of the plaintiffs/petitioners and contended that both the authorization letters were challenged in the written objection filed by the plaintiffs/petitioners herein but the learned Judge did not deal with those objections in the order impugned.

4. Heard both the learned counsel appearing on behalf of the parties.

5. From the impugned order, it appears that the learned Judge relied on the authorisation letters dated 16th January, 2017 and 8th October, 2013 relied on behalf of the defendant/opposite party herein in the written objection, particularly, in paragraph 7, but the learned Judge did not deal with the written objection challenging those authorisation letters, particularly, in paragraph 5.

6. On careful scrutiny of the application under Section 151 of the CPC along with objection thereto as well as the reply to the objection, I find that the only issue before the learned Trial Court was that whether Pramod Kumar

Sharaf was duly authorised by the defendant company or not.

7. Unfortunately, I do not find any single word dealing with the issue by the learned Trial Judge.

8. On the above score, this order is liable to be set aside.

9. Accordingly, the impugned order dated 31st March, 2022 passed in connection with Ejectment Suit No.57 of 2016 stands set aside.

10. Learned Trial Judge is requested to re-hear the application under Section 151 of the CPC after giving due opportunity to the parties and considering the application under Section 151 of the CPC, written objection and reply thereto.

11. Learned Judge is also requested to dispose of the application as expeditiously as possible as the suit is pending since 2016.

12. With the above observation, the revisional application stands disposed of.

13. Interim order, if any, stands vacated.

14. Interlocutory application, if any, also stands disposed of.

15. Parties are at liberty to intimate this order to the learned Trial Court forthwith for necessary information.

16. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Bibhas Ranjan De, J.)