

D/L- 16
28/04/2025
Ct. No.-6
Aritra

C.O. 1382 of 2025

**Tapas Das
Vs.
Prasanta Kumar Sett**

Mr. Prasanta Kr. Banerjee
Mr. Purnankar Biswas
....for the petitioner

Ms. Debjani Ghosal
....for the opposite party

This application under Article 227 of the Constitution of India is directed against an order being No.10 dated March 13, 2025 passed by the learned Civil Judge (Jr. Div.), 1st Court, Chandernagore in Title Suit No.377 of 2023.

By the order impugned the application under Section 5 of the Limitation Act praying for condonation of delay in filing the applications under Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act, 1997 was rejected upon holding that the same is not maintainable. Consequently, the defence of the petitioner against delivery of possession was also struck out.

After going through the order impugned this Court finds that the learned trial judge after taking into consideration the provisions of Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act, 1997 taking note of the decision of the Hon'ble Supreme Court

in the case of Bijay Kumar Singh vs. Amit Kumar Chamaria reported at AIR 2019 SC 5461 as well as Debasish Paul & Anr. vs. Amal Boral reported at 2023 INSC 925 held that there is no scope to condone the delay in filing the applications under Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act, 1997.

The learned trial judge has assigned cogent reasons for rejecting the said application and this Court does not find any infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

CO 1382 of 2025 accordingly stands dismissed.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)