

M/L 71
03.01.2025
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1297 of 2024

Kartick Chandra Panja @ Kartick Panja
Versus
Shubham Jaiswal

Mr. Bidyut Kumar Banerjee
Mr. Antarik Dawn
... For the petitioner.

Mr. Kushal Chatterjee
Mr. Oishik Chatterjee
... For the opposite party.

1. The instant revisional application has been filed inter alia challenging the order dated 22nd February, 2024 passed by the learned Chief Judge, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 227 of 2023, thereby rejecting the application filed by the petitioner under Section 151 of the Code of Civil Procedure, 1908.
2. Mr. Banerjee, learned advocate appearing in support of the aforesaid revisional application after arguing the matter for some time would submit that the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the "said Act") is yet to be decided. He insists that the aforesaid revisional application may be disposed of by directing the learned Trial Court to hear out and

dispose of the application filed under Section 7(2) of the said Act.

3. Having heard the learned advocates appearing for the respective parties and noting that a point of maintainability has already been raised in relation to the application filed under Section 7(2) of the said Act, I am of the view that the learned Trial Court should hear out the point of maintainability raised by the opposite party at the first instance before proceeding with the application filed under Section 7(2) of the said Act.
4. Let it be made clear that this Court has not gone into the merits of the matter and it shall be open to the learned Court to hear out the said application in accordance with law expeditiously.
5. With the above observations and directions the revisional application stands disposed of.

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

(Raja Basu Chowdhury, J.)