

M/L- 5
09/06/2025
Ct. No.-6
Aritra

C.O. 1873 of 2025

**Haran Chandra Saha
Vs.
Saugata Dutta**

Ms. Adrisnata Chakraborty
....for the petitioner

Mr. Samrat Chakraborty
Mr. Anirban Das
....for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated February 10, 2025 passed by the learned Civil Judge (Jr. Div.), 2nd Court, Jangipur, District-Murshidabad in O.S. No.33 of 2024.

By the order impugned, the application under Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act, 1997 stood rejected.

Mr. Samrat Chakraborty, learned advocate appears for the opposite party.

It is not in dispute that the petitioner filed the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 without depositing the admitted arrears of rent. The learned trial judge after considering the aforesaid fact and after taking note of the provisions of Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act, 1997 observed that

in the event the tenant raises any dispute with regard to the amount of rent payable by him, he has to deposit the admitted amount of rent also within one month and along with such deposit he has to file an application for adjudication of the dispute.

Since the petitioner has failed to deposit the admitted arrears of rent the learned trial judge, in the considered view of this Court, was right in rejecting the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997.

This Court does not find any reason to interfere with such order.

Accordingly, CO 1873 of 2025 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.)