

M/L- 382
12/09/2025
Ct. No.-6
Aritra

C.O. 1679 of 2024

**Sri Tarak Chandra Karak
Vs.
Sri Radha Madhab Gurey**

Mr. Subrata Banerjee

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of a defendant and is directed against an order dated March 11, 2024 passed by the learned Civil Judge (Jr. Div.), 1st Court at Sealdah in Ejectment Suit No.188 of 2018.

By the order impugned the application under Section 151 of the Code of Civil Procedure Code praying for adjourning the hearing of the application under Section 7 (3) of the West Bengal Premises Tenancy Act till the Thika Controller decides whether the defendant is a *bona fide* thika tenant in respect of the suit property or not.

The learned advocate appearing for the petitioner places strong reliance upon the T.R. Form No.7 challan in support of his contention that he is a thika tenant in respect of the said property.

Excepting the T.R. Form No.7 challan, no document has been produced by the petitioner to show even *prima facie* that he is a thika tenant in respect of the suit property.

It is well-settled that mere deposit of an amount under T.R. Form No.7 challan does not *prima facie* show that he has a thika tenant in respect of the property. The stamp given in the T.R. Form No.7 challan shows that any deposit under the said T.R. Form No.7 challan is provisional. The learned trial judge was right in rejecting the application under Section 151 of the Code of Civil Procedure.

In view thereof, CO 1679 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.)