

M/L - 140
18/03/2025
Court. No. 6
S.Kundu

C.O. 1805 of 2024

Pawan Khemka
Vs.
Suman Jain

Mr. Bipul Kumar Mandal

...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no. 4 dated 3rd April, 2024 passed by the learned Chief Judge, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 373 of 2023.

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

The learned advocate appearing for the petitioner submits that there was a marginal delay in filing the application under Sections 7(1) and 7(2) of the 1997 Act. He submits that such delay ought to have been condoned by the learned Trial Judge and the petitioner should have been permitted to deposit the arrear rents. It is not in dispute that the application under Sections 7(1) and 7(2) of the 1997 Act was filed beyond the time limit prescribed therefor under the West Bengal Premises Tenancy Act, 1997.

It is well settled that an application under Section 5 of the Limitation Act is not maintainable to condone the delay in complying the requirements under Section 7(1) of the 1997 Act. It is also well settled that an application for condonation of delay in filing the application under Section 7(2) of the West Bengal Premises Tenancy Act is not maintainable.

It is not in dispute that the petitioner did not comply with the provisions of Section 7(1) and 7(2) of the 1997 Act. The learned Trial Judge took note of the relevant provisions of the 1997 Act and also considered the decisions of the Hon'ble Supreme Court in the case of ***Bijay Kumar Singh and others versus Amit Kumar Chamaria and another reported at (2019) 10 SCC 660*** and was right in rejecting the said application as the same were filed beyond the prescribed period of limitation.

The impugned order does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India.

Accordingly, C.O. 1805 of 2024 stands dismissed.

There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)