

Court No. 6
(265719)

20.06.2025
(AD 14)
(S. Banerjee)

CO 2130 of 2025

Sri B. Gopal Rao
Vs.
Sri Loknath Kosta

Mr. Bhagabat Chaudhuri

...for the petitioner

This application under 227 of the Constitution of India is at the instance of the defendant and is directed against order no. 13 dated March 25, 2025 passed by learned Civil Judge (Jr. Division), 2nd Court at Serampore in Title Suit No. 452 of 2022.

By the order impugned the application under Section 5 of the Limitation Act filed for condonation of delay in filing the petitions under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997, stood rejected.

Record reveals that the petitioner herein received the summons on December 17, 2022 and filed an application under Section 7(1) and 7(2) of the 1997 Act only on March 27, 2023. Thus it is evident that the applications under Section 7(1) and 7(2) of the 1997 Act were filed beyond the prescribed time period.

It is now well-settled that the delay in filing application under Section 7(1) and 7(2) of the 1997 cannot be condoned. The learned trial judge took note of the provisions of Section 7 of the Act and correctly applied the ratio of the decision of this Hon'ble Court in the case of *Sri Kokenath Dhal Vs. Smt. Gita Rani Roy* and in *Hirawat Vs. Smt. Kamla Devi Chowdhury & Ors.* in the case on hand.

For such reason this court is not inclined to interfere with the order impugned. Accordingly, CO 2130 of 2025 stands dismissed.

Learned advocate-on-record is directed to communicate this order to the learned advocate for the caveator.

(Hiranmay Bhattacharyya, J.)