

D/L- 39
01/07/2025
Ct. No.-6
Aritra

C.O. 2331 of 2025

**Miss Leena Bhowmick
Vs.
Smt. Kalyani Ghosh**

Mr. Amar Nath Das
Ms. Pampa Ghosh

...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.40 dated January 18, 2025 passed by the learned Judge, 5th Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No.392 of 2019.

By the order impugned the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 was allowed upon holding that the original defendant is not a defaulter in payment of rent.

The learned advocate appearing for the petitioner submits that by the order impugned the plaintiff was given liberty to agitate the question on the validity of the deposit made by the substituted defendant for the month of April to July, 2023. He submits that such issue ought to have been decided at the time of hearing the application under Section 7(2) of the 1997 Act.

It appears from the impugned order that the substituted defendant was allowed vide order No.32 dated September 18, 2023 to deposit money at his own

risk without the prejudice to the rights and contention of the parties. Such order is not under challenge in this civil revision application.

The petitioner accepted the said order and claims to have deposited in terms of the said order. That apart, the learned trial judge in the impugned order held that the petitioner is not a defaulter.

For such reason, this Court is not inclined to interfere with the order impugned.

With the above observation, CO 2331 of 2025 stands disposed of.

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.)