

Court No. 6
(265719)

20.06.2025
(A 713)
(S. Banerjee)

CO 2452 of 2024

Maniklal Banerjee & Anr.
Vs.
Partha Pratim Biswas & Ors.

Mr. Debasis Sur
Mr. Mrityunjoy Chatterjee

...for the petitioners

This application under 227 of the Constitution of India is at the instance of the defendant and is directed against order dated June 10, 2024 passed by learned Civil Judge (Jr. Division), 2nd Court, Alipore, in Ejectment Suit No. 179 of 2022.

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

Learned advocate appearing for the petitioners submits that the caveator has been duly served.

In spite of service none appears to represent the caveator.

Learned advocate appearing for the petitioners further submits that the petitioners have defaulted payment of rent only for one month. He further submits that the delay was due to the illness of the petitioners.

The opposite parties herein filed a suit for eviction on the grounds mentioned under Section 6 of the 1997 Act. The summons of the said suit was served on September 17, 2022. However, the petitioners appeared in the said suit on December 15, 2022 and filed the application under Section 7(1) and 7(2) of the 1997 Act on that date.

The application under Section 7(1) and 7(2) of the 1997 Act was filed beyond the statutory period. The learned trial judge after noting the provisions of Section 7 of the 1997 Act rightly rejected the application under Section 7(1) and 7(2) of the 1997 Act. The defence of the petitioners was also struck off under Section 7(3) of the Act.

This court is not inclined to interfere with the order. Accordingly, CO 2452 of 2024 stands dismissed.

(Hiranmay Bhattacharyya, J.)