

Court No. 22
21.01.2025
(Item No. 103)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
C.O. 2324 of 2022

Rai Mohan Medical Hall
VS
Himadrish Ghosh & Anr.

Mr. Asit Kumar Chowdhury
.... For the petitioner
Mr. Sounak Bhattacharya
Mr. Souvik Mandal
Mr. Abhirup Halder
Mr. Anirban Saha Roy
.... For respondent Nos. 1 & 2

Challenge in this revisional application is the order dated 8th April, 2022 passed in connection with the Ejectment Suit No. 584 of 2011 wherein learned Judge, 5th Bench, Presidency Small Causes Court rejected the application under Section 151 C.P.C. filed on behalf of the defendant/petitioner herein with a prayer for permission to deposit arrear rent along with interest @ 10% per annum in compliance with the order passed by the Court under Section 7(2) of the West Bengal Premises Tenancy Act, 1997.

It is not disputed that the application under Section 7(2) was disposed of on 9th April, 2019 directing the defendant/petitioner to deposit arrear rent along with statutory interest within a specified period. But the application under Section 151 C.P.C. was filed before the Court on 8th April, 2022 *i.e.* after more than 3 years.

I heard both the learned counsel appearing for the parties.

By the impugned order learned Trial Judge refused the application under Section 151 C.P.C. with a prayer for extension of time to deposit arrear rent under Section 7(2) of the West Bengal Premises Tenancy Act, 1997. It is also not disputed that such application under Section 151 C.P.C. was filed seeking permission after three years or more. That apart learned Trial Judge also struck off the defence under Section 7(3) of the Act of 1997 by recording an order dated 8th March, 2022 on an application filed on behalf of the plaintiff.

After having gone through the impugned order in its entirety, I do not find any infirmity to interfere with the same in exercise of power under Article 227 of the Constitution of India.

Accordingly, the revisional application being C.O. 2324 of 2022 stands dismissed.

All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)