

18.08.2025
Item no. 14.
Court No.6.
AB

C. O. 2945 of 2025

**Smt. Sheela Law & Anr.
Vs
Shyam Sundar Prasad**

Ms. Sohini Chakraborty,
Mr. Sayantan Bose,
Ms. Manisha Dasfor the Petitioners.

Mr. Ganesh N. Jajodia,
Ms. Nitu Singh,
Ms. Ritika Kediafor the Opp. Party.

On the prayer of the learned advocate appearing for the opposite party, leave is granted to learned advocate on record for the opposite party to file vakalatnama in the department.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no.13 dated 23.06.2025 passed by the learned Judge, 6th Bench, Presidency Small Causes Court, Calcutta in Ejectment Suit No.115 of 2024.

When this matter is taken up for hearing, Mr. Jajodia, learned advocate appears and submits that he has instructions to appear on behalf of the opposite party. A copy of the civil revision application has already been served upon the learned Advocate for the opposite party.

By the order impugned, the application under Section 7(2) of the West Bengal Premises Tenancy Act,

1997 stood disposed of by observing that there are no further dues from the opposite party herein.

Ms. Chakraborty, learned advocate appearing for the petitioners, submits that the original challans for the months of August 2007, November 2008 and June 2009 could not be traced.

She further submits that though the opposite party failed to produce any document in support of payment of rent for the aforesaid three months, the learned Trial Judge held that no further amount is due from the opposite party to the petitioners.

Learned advocate for the opposite party submits that after the impugned order was passed, the opposite party obtained an information from the Office of the Rent Controller that the rent for the months of August 2007 and November 2008 has been duly paid by the opposite party. However, such document was not placed before the learned Trial Judge when the impugned order was passed. The petitioners herein were also not given any opportunity to controvert the said document.

Since the opposite party could not produce any documents in support of their claim that rent for the months of August 2007, November 2008 and June 2009 have been paid, this Court is inclined to interfere with the impugned order wherein it has been held that there are no further dues. In the absence of any document in support of the deposit of rent before the

Rent Controller for the months of August 2007, November 2008 and June 2009, the learned Trial Judge could not have arrived at a conclusion that there are no further dues from the opposite party to the petitioners.

For such reason, this Court is inclined to interfere with the order impugned.

Accordingly, the order dated June 23, 2025 stands set aside. The application under Section 7(2) of the 1997 Act is restored to the file of the learned Judge, 6th Bench, Presidency Small Causes Court, Kolkata.

The opposite party will be at liberty to produce documents/evidence in support of his claim that the rent for the months of August 2007, November 2008 and June 2009 have been paid. If such document/evidence are produced, the petitioners will be afforded an opportunity to deal with the same in accordance with law.

C. O. No.2945 of 2025 stands disposed of with the aforesaid observation.

The learned Trial Judge is requested to dispose of the application under Section 7(2) of the 1997 Act as expeditiously as possible but preferably within a period of two months from the date of receipt of a server copy of this order.

(Hiranmay Bhattacharyya, J.)

