

39 **09.09.
2025**

Ct. No. 06

Ab

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION.**

CO 3268 of 2025

**Maharshi Commerce Limited
Vs.
Vensimal World Travel Agents Private Limited.**

**Mr. Rahul Karmakar,
Mr. Avinash Kankani,
Mr. Arun Kumar Sharma,
Mr. Sagnik Mukherjee,
Mr. Rajat Dev Sharma.**

... for the petitioner.

**Mr. Arif Ali,
Mr. Adil Rashid,
Mr. Rajdeep Mantha,
Mr. S. Bhattacharjee.**

... for the opposite party.

1. This application under Article 227 of the Constitution of India is at the instance of the plaintiff/petitioner and is directed against the order dated 7th August 2025 passed by the learned Judge, XIth Bench, City Civil Court, Calcutta in Ejectment Suit No. 9 of 2024.
2. By the order impugned, the applications under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 (in short '1997 Act') stood dismissed and a date was fixed for hearing of the application under Section 7(3) of the West Bengal Premises Tenancy Act, 1997 (in short '1997 Act').
3. The opposite party herein challenged the portion of the order dated 7th August 2025 whereby the applications under Section 7(1) and Section 7(2) stood dismissed by filing a civil revision application being CO 3349 of 2025 and this Court by an order dated 9th September 2025 dismissed the said revision application.

4. Heard the learned Advocate for the respective parties and perused the materials placed.
5. Section 7(3) of the 1997 Act states that if the tenant fails to deposit or pay any amount referred to in sub-section (1) or sub-section (2) within the time specified therein or within such extended time as may be granted, the Civil Judge shall order the defence against delivery of possession to be struck out and shall proceed with the hearing of the suit.
6. In the case on hand, the prayer of the opposite party to deposit the rent from the month of January 2025 stood rejected. It is also not in dispute that the rent from the month of January 2025 has not been deposited with the learned trial Judge or paid to the landlord.
7. It is well-settled that in the event the tenant fails to comply with the provisions of Section 7(1) or Section 7(2) of the 1997 Act, the provisions of Section 7(3) of the 1997 Act stands automatically attracted.
8. As observed herein before that there is a non-compliance of the provisions of Section 7(1) of 1997 Act by the opposite party herein. Though it is true that the petitioner has filed an application under Section 7(3) of the 1997 Act, but in view of the dismissal of CO 3347 of 2025 nothing remains to be decided in the application under Section 7(3) of the 1997 Act and the same stands allowed thereby striking out the defence of the petitioner against the delivery of possession.
9. Accordingly, CO 3268 of 2025 stands allowed.
10. There shall, however, be no order as to costs.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Hiranmay Bhattacharyya, J.)

