

30 **04.09.
2025**

Ct. No. 06

Ab

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

CO 3273 of 2025

**Sri Jogendra Ray @ Jogindra Roy
Vs.
Sri Nepal Prasad.**

**Mr. Ayan Kumar Baral,
Mr. Sabyasachi Bhattacharjee,
Mr. Suman Nandi.**

... for the petitioner.

1. This application under Article 227 of the Constitution of India is at the instance of the defendant/petitioner and is directed against an order being no. 21 dated 21st May 2025 passed by the learned Civil Judge (Junior Division) 1st Court, Chandernagore in Title Suit No. 83 of 2024.
2. By the impugned order, an application under Section 5 of the Limitation Act praying for condonation of delay in depositing the rent for the month of April 2025 stood rejected and, subsequently, the prayer for deposit of the monthly rent for the month of April 2025 was also rejected.
3. Learned Advocate appearing on behalf of the petitioner submits that the application under Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act was filed within time and the application under Section 5 of the Limitation Act was filed due to wrong advice given by the learned Advocate for the petitioner.
4. The record reveals that an application praying for condonation of delay in depositing the rent for the month of April 2025 was filed and the copy of the said application has been annexed at page 38 of the civil revision application. In paragraph 2 of the said application, it has been stated that due to

appointment of the new Advocate, the defendant/petitioner was unable to pay the rent for the month of April 2025 within the prescribed period of time. Thus, it is admitted that the defendant/petitioner in the application itself stated that the rent for the month of April 2025 could not be deposited within the prescribed period of time. The petitioner filed an application praying for condonation of delay for depositing the rent for the month of April 2025.

5. It is now well-settled that the time to deposit the rent in compliance with the provisions of Section 7(1)(c) of the West Bengal Premises Tenancy Act, 1997 cannot be extended. It is also well-settled that the provisions of Section 5 of the Limitation Act cannot be applied to condone the delay in depositing the current rent.
6. The learned trial Judge after noting the provisions of Section 7 of the Act of 1997 was right in rejecting the application under Section 5 of the Limitation Act, as the said provision is not applicable for condonation of delay in depositing the current rent. The learned trial Judge assigned cogent reasons for rejecting the prayer for condonation of delay, this Court is not inclined to interfere with the order impugned.
7. The revisional application is, thus, dismissed without any order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Hiranmay Bhattacharyya, J.)

