

Sl.22
09.09.2025
Court No.6
BP

C.O. 3345 of 2025

Sambhunath Sardar
-versus-
Rajkumar Mondal

Mr. Subhrajit Maji
Ms. Sangita Banerjee
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated 15th July, 2025 passed by the learned Civil Judge (Junior Division), 5th Court at Alipore in Ejectment Suit No. 227 of 2022.

By the order impugned the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 along with Section 5 of the Limitation Act stood rejected.

It is not in dispute that the defendant/petitioner herein received the summons of the suit on 11th November, 2022 and appeared before the learned trial judge on 3rd January, 2023. Thereafter the defendant filed the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997. Since the application under Section 7(2) of the 1997 Act was filed beyond the prescribed period of limitation, the same was accompanied by an application under Section 5 of the Limitation Act. The learned trial judge, by the order impugned rejected the application under Section 5 of

the Limitation Act consequently the application under Section 7(2) of the 1997 Act stood rejected.

Heard the learned advocate for the petitioner.

It is now well settled that the delay in filing the application under Section 7(2) of the 1997 Act cannot be condoned under the provisions of Section 5 of the Limitation Act. The learned trial judge took note of the decision of the Hon'ble Supreme Court in the case of Bijay Kumar Singh & Ors. Vs. Amit Kumar Chamariya & Anr. reported at (2019) 10 SCC 660 and correctly applied the proposition of law laid down therein to the facts of the case on hand.

For such reason, this Court is not inclined to interfere with the order impugned.

Accordingly, C.O. 3345 of 2025 stands dismissed.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)