

21.08.2025
Court No.25

Sl. No.42
Mujahid

CO 3755 of 2023

Sri Dipesh Chanda & Ors.

Vs.

Smt. Renuka Roy Karmakar @ Renuka Roy & Ors.

Mr. Kartick Kr. Bhattacharyya,
Ms. Soumashree Dutta,
Ms. Papiya Naskar

...for the petitioners

Mrs. Shohini Chakrabarty,
Ms. P. Das

...for the opposite parties

1. Learned counsel for the petitioners at the outset has relied upon judgment of the Supreme Court in Rajesh Mitra @ Rajesh Kumar Mitra @ Anr. vs. Karnani Properties Ltd., Civil Appeal Nos. 3593-3594 of 2024 in which it was, inter alia, held that the West Bengal Premises Tenancy Act as amended in 2001 by virtue of Section 2(g) was brought in cannot have retrospective effect.

2. Learned counsel for the petitioners has insisted that benefit of Section 2(h) in the old Act would continue in respect of old tenancies and the same does not eclipse with the amendment. However, learned counsel submits that he does not want to press the present petition at this stage, and liberty may be granted to file an application for deciding the maintainability of the suit itself in light of the order of

the Supreme Court in Rajesh Mitra (supra). In view of the submissions made, the petition is disposed of with a direction to the learned trial court to decide the issue of maintainability of Title Suit No.741/19(R) as a preliminary issue expeditiously after giving the parties, an opportunity of being heard.

3. Accordingly, the petition stands disposed of.

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

(Dinesh Kumar Sharma, J.)