

Court No. 6
(265719)

30.04.2025
(AD 166)
(S. Banerjee)

CO 3832 of 2024

M/s. D. Dey & Brothers
Vs.
Dhanish Pharma Distributor (P) Ltd.

Mr. Subhash Chandra Basu
...for the petitioner

Affidavit of service filed in Court today, is taken
on record.

In spite of service, none appears to oppose this
application.

This application under Article 227 of the
Constitution of India is at the instance of the
defendant and is directed against an order dated
August 8, 2024, passed by the learned Chief Judge,
Presidency Small Causes Court at Kolkata in
Ejectment Suit No. 386 of 2023. By the order
impugned, the application under Section 7(1) and 7(2)
of the West Bengal Premises Tenancy Act, 1997, stood
rejected.

The petitioner filed an application under Section
7(1) and 7(2) of the West Bengal Premises Tenancy
Act, 1997 on June 12, 2024.

It is not in dispute that the aforesaid applications were not filed within the time-limit prescribed under the said statute.

Learned advocate appearing for the petitioner submits that there was only a delay of five days in filing the said applications and the learned trial judge ought to have condoned the said delay.

It is well-settled that an application under Section 5 of the Limitation Act for condonation of delay in filing the application under Section 7(1) and 7(2) of the 1997 Act, is not maintainable. The learned trial judge after taking into consideration the provisions of Section 7(1) and 7(2) of the 1997 Act and after taking note of the decisions 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, rightly held that there is no scope to entertain the application under Section 7(1) after the statutory period of limitation. The learned trial judge assigned cogent reasons in support of the ultimate conclusion. This Court does not find any infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

CO 3832 of 2024 is accordingly dismissed.

(Hiranmay Bhattacharyya, J.)