

24.02.2025

Sl. No.: 24
Court No.30
BM

C.O. 4033 of 2024

Uttam Rana

Vs.

Tapan Kumar Ghosh & Ors.

Mr. Prabir Adhya

Ms. Madhumanti Chakraborty

... for the petitioner

Mr. Debjit Mukherjee

Mr. Kaustav Bhattacharya

Ms. Priyanka Jana

... for the opposite party nos.1 to 5

1. The present revisional application has been preferred against an order dated 19.09.2024 passed by the learned Civil Judge(Junior Division) 2nd Court, Howrah in Title Suit ANo.901 of 2023.

2. By the said order under challenge, the learned trial court has been pleased to reject the petitioner's/defendant's application under Section 7(2) of the WBPT Act.

3. Admittedly, the defendant no.1's father Kalpana Rana who was the original tenant in the suit premises died in the year 2003. The original tenants' spouse i.e. the defendants' mother died in the year 2023. The defendant herein claims to be the son of the original tenant and has submitted that the rent till the year 2020 has been accepted by the plaintiff/landlord and rent has been increased from time to time.

4. No document could be produced to substantiate the argument that rent from time to time has been

increased by the plaintiffs/opposite parties herein who is being represented today.

5. Admittedly, the original tenant's spouse who is also the mother of the defendant no.1 expired in the year 2023. The tenancy prima facie stood extinguished on the date of death of the mother of the petitioner herein.

6. The period of five years in such cases is from the date of death of such tenant (original) and not in respect of the spouse(1st proviso to Section 2(g) of the Act).

7. As such, the petitioner's prayer under Section 7(2) of the WBPT Act has rightly been rejected by the trial court considering the provision of Section 2(g) of the WBPT Act, 1997.

8. The benefit of the 2nd proviso to Section 2(g) of the Act is also not available to the petitioner herein.

9. Thus, this court finds no reason to interfere with the order under revision, the same being in accordance with law.

10. The civil revision stands dismissed.

11. The trial court to proceed expeditiously with the suit.

12. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)