

Court No. 6
(265719)

01.09.2025
(A 28)
(S. Banerjee)

CO 4262 of 2024

Biswa Prakash Mittal
Vs.
Mira Auddy & Ors.

Mr. Dyutiman Banerjee
Mr. Vishal Mallick

... 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 August 12, 2024 passed by the learned Civil Judge (Jr. Division), 1st Court at Alipore in Ejectment Suit No. 52 of 2014. By the order impugned, the application under Section 7(2) of the 1997 Act, stood rejected and the defence of the petitioner against delivery of possession was struck out.

Heard the learned advocate for the petitioner.

It is not in dispute that the defendant/petitioner herein filed a suit on December 19, 2014 and the application under Section 7(2) of the 1997 Act was filed on March 10, 2015. Thus, it is evident that the application under Section 7(2) of the 1997 Act was filed well beyond the statutory time limit. The learned trial judge was right in rejecting the application under

Section 7(2) of the 1997 Act and consequently striking out the defence of the petitioner against delivery of possession under Section 7(3) of the 1997 Act.

This court is not inclined to interfere with the order impugned. Accordingly, CO 4262 of 2024 stands dismissed.

(Hiranmay Bhattacharyya, J.)