

28.07.2025
Item 143 ML.
Court No.6.
AB

C. O. 4401 of 2024

**Mitali Biswas
Vs
Arati Roy Chowdhury**

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjeefor 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 no.110 dated 08.11.2024 passed by the learned Civil Judge (Jr. Division), 2nd Court at Serampore, Hooghly in Title Suit No.78 of 2018.

By the order impugned, the applications under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 stood rejected.

The opposite party herein filed a suit for eviction of the petitioner from the suit property. It has been specifically stated in the said plaint that originally the predecessor of the defendant was inducted as a tenant in respect of the suit property. The original tenant expired on June 2, 1984 and there has been no separate agreement in respect of tenancy of the said suit scheduled property between the parties after the death of the said original tenant and from the date of death of the said original tenant, time period of five

years have already expired and thus the defendant does not qualify to become a tenant in respect of the said scheduled property. The instant suit has been filed by the opposite party herein treating the petitioner as a trespasser in the suit property.

After going through the averments made in the plaint, it does not appear to this Court that the same was filed on the grounds contemplated under Section 6 of the West Bengal Premises Tenancy Act, 1997. A tenant can get the benefit of protection against eviction under Section 7 of the 1997 Act only if the suit is instituted for eviction on any of the grounds referred to in Section 6 of the 1997 Act.

As observed hereinbefore, the instant suit was not filed on any of the grounds under Section 6 of the 1997 Act. This Court is, therefore, of the considered view that an application under Section 7(1) and 7(2) of the 1997 Act was not maintainable, as rightly held by the learned Trial Judge.

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

C. O. No.4401 of 2024 stands dismissed.

There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)

