

D/L
Item No. 38
16.06.2025
KOLE

CO 4466 of 2024

**Tapas Pal & Ors.
-Vs.-
Kalyan Mitra**

*Mr. Atarup Banerjee,
Mr. P. Pramanik,*

...for the petitioners.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being No. 56 dated November 28, 2024 passed by the Learned Civil Judge, 1st Court at Serampore in Title Suit No. 493 of 2018. By the impugned order the application under Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act, 1997 stood rejected.

Learned Advocate appearing for the petitioner submits that the petitioner was all along depositing rent before the Rent Controller. However, for the reasons beyond control of the petitioner, the application under Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act, could not be filed within the stipulated time limit. The learned Trial Judge, however, took into consideration the provisions laid down under Section 7(1) and Section 7(2) of the West Bengal Premises Tenancy Act and held that the petitioner did not file the said application within the stipulated time limit.

The learned Trial Judge has also correctly applied the decisions of the Hon'ble Apex Court in the case of **Debasish Paul & Anr.-vs.-Amal Boral**, reported in **(2024) 2 SCC 169**.

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

CO No. 4466 of 2024 is dismissed, without, however, any order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)