

11.06.2026
(D/L-24)
Ct.-06
(NMD)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 708 of 2026

Smt. Mina Devi & Anr.
-Vs-
Sri Ashis Kumar Ghoshal & Ors.

Mr. Suman Banerjee,
... for the Petitioners

Mr. Sabyasachi Mondal,
Mr. Sarthak Dey,
Mr. Payel Khanra
...for the Opposite Parties

1. Affidavit-of-service filed in Court today is taken on record.
2. This revisional application is directed against an order dated January 31, 2026 passed by the learned Civil Judge (Junior Division), 1st Court, Howrah in Title Suit No. 505 of 2025 whereby the petitioners application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 has been disposed of by holding the petitioners to be defaulters in payment of rent and directing them to deposit a sum of Rs. 2, 02, 290/- (Rupees Two Lakh Two Thousand Two Hundred Ninety Only) to the opposite parties in equal instalments.

3. Title Suit No. 505 of 2025 has been instituted by the opposite party no.1 for eviction of the petitioners and the opposite party nos. 2 to 6.
4. In the said suit, the petitioners filed an application under Section 7(2) of the 1997 Act praying for determination of the arrears of rent and for instalments for making deposits of the arrears of rent.
5. Such application has been disposed of by the order dated January 31, 2026 by observing that the petitioners have not been able to establish the genuineness of the rent receipts. Feeling aggrieved thereby, the petitioners have approached this Court by filing the present revisional application.
6. Learned Advocate appearing for the petitioners submits that the learned Trial Court has disposed of the petitioners' application for determination of arrears of rent under Section 7(2) of the 1997 Act merely on the basis of the averments made in the application under Section 7(2) of the 1997 Act and the plaint without affording any opportunity to the petitioners to prove their case on evidence.

7. Learned Advocate appearing for the opposite parties submits that the application under Section 7(2) has been disposed of without affording any opportunity to the opposite party no.1 to file written objection thereto.
8. Heard learned Advocates appearing for the respective parties and considered the material on record. It is well-settled that an application under Section 7(2) of the 1997 Act which requires determination of rent arrears ought to be decided on evidence if there is a genuine dispute raised as regards payment of rent. In the instant case, it is evident from the order impugned that the learned Trial Court has disbelieved the petitioners' case on the ground that *"the genuineness of the concerned rent receipts is found to be questionable"*. The application appears to have been decided only on the basis of the pleadings and oral submissions without affording any opportunity to the petitioners to prove their case on evidence. In such view of the matter, the order impugned deserves to be interfered with.
9. Accordingly, the order dated January 31, 2026 whereby the petitioners' application

under Section 7(2) of the 1997 Act is set aside and the matter is remitted to the file of the learned Trial Court for a fresh decision on merits. The plaintiff/opposite party no.1 shall be afforded an opportunity to file his written objection to the petitioners' application under Section 7(2) of the 1997 Act and the parties shall be free to adduce evidence in support of their respective cases for the purpose of determination of rate of rent and rent arrears.

10. The learned Trial Court is requested shall endeavour to dispose of the application under Section 7(2) as expeditiously as the business of the learned Trial Court would permit without granting any unnecessary adjournment to either of the parties.

11. With the aforesaid observations, C.O. 708 of 2026 stands disposed of. There shall be no order as to costs.

12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)