

27.02.2026  
Ct. No. 06  
Item 09  
Cp

C.O. 1104 of 2025

Wembly Interior Private Limited  
Vs.  
Samiran Kumar Sett

Mr. Tarak Nath Halder

.....for the petitioner.

Affidavit of service, upon effecting the third service upon the opposite party, is taken on record.

None appears on behalf of the opposite party despite service.

The petitioner is aggrieved by the order dated January 3, 2025, passed by the learned Civil Judge (Junior Division), 2<sup>nd</sup> Court, Sealdah in Ejectment Suit No.107 of 2021.

By the order impugned, the learned court rejected the application, under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997, (hereinafter referred to as 'the said Act').

Mr. Halder, learned advocate, relies on Annexure 'E' of page 51 of the application, i.e. the report of the Sheristadar which records that no summons had been issued as per the case records. Thus, he contends that within a month from the date of appearance in the suit, the application under Section 7(1) of the said Act was filed and

the admitted arrears were deposited in Court, as per the quantum/figure pleaded in the plaint.

He submits that filing of the application under Section 7(2) of the said Act at a subsequent stage was unnecessary and a mistake. The learned court, without considering that the admitted arrears were deposited in court along with an application under Section 7(1) of the said Act within the time stipulated in the statute, wrongly held that belated filing of the application under Section 7(2) of the said Act warranted rejection of both the applications.

In my view, if the admitted deposit was made within a month from entering appearance along with an application under Section 7(1) of the said Act, the court should have considered such fact and moreover, whether the application under Section 7(2) was at all necessary or filed in surplage should also have been considered.

It is also submitted by Mr. Halder that, monthly rents as provided by Section 7(1)(c) of the said Act are being deposited. All challans by way of firsti were submitted before the court.

Under such circumstances, the order impugned is set aside.

The matter is remanded to the learned court for fresh hearing on the applications filed under Sections 7(1) and 7(2) of the said Act by applying the ratio of *Bijay Kumar Singh vs. Amit Kumar Chamaria*, reported in AIR

2019 SC 5461 and *Seventh Day Adventist Senior Secondary School Vs. Ismat Ahmed & Ors.* reported in 2025 INSC 984, as also the provisions of law. The learned must decide whether there was compliance of the provisions of Section 7(1)(a) and 7(1)(b) of the said Act and whether the admitted arrears as also current rent had been deposited as per Section 7(1)(c).

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

**(Shampa Sarkar, J.)**