

18.06.2026
Item No.10 (DL)
Court No.06
AJ.

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

C.O. 1149 of 2026

**Kaberi Mukherjee
-Vs-
Sudha Chanchal**

Ms. Manali Biswas,
Mr. Mrinal Saha.
.....for the petitioner.

Mr. Abhishek Verma,
Ms. Swaraj Naskar.
.....for the opposite party.

1. Affidavit of service filed in Court today is taken on record.

2. This revisional application is directed against an order dated November 20, 2025 and February 11, 2026 passed by the learned Civil Judge (Junior Division), Additional Court, Sealdah, 24-Parganas (South) in Ejectment Suit No. 144 of 2024.

3. By the order dated November 20, 2025, the petitioner's application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 has been disposed of by holding the petitioner to be a defaulter for the period July 2025 to October 2025. By the order dated February 11, 2026 the petitioner's application under Section 151 of the Code of Civil Procedure, 1908 seeking modification of the order dated November 20, 2025 has been rejected.

4. Ejectment Suit No.144 of 2024 has been instituted by the opposite party seeking eviction of the petitioner. In the said suit, the petitioner filed an application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 praying for determination of the rate of rent and the arrears thereof. During hearing of the said application, the petitioner adduced evidence in support of the petitioner's contention that the petitioner has been depositing rent regularly in the Trial Court and in support of such contention, the petitioner produced challans evincing deposit of rent in the Trial Court. Such adduction of evidence on the part of the petitioner was closed on August 20, 2025.

5. The learned Trial Court thereafter, heard the arguments in respect of the said application under Section 7(2) of the 1997 Act and fixed the matter for passing orders on November 20, 2025. The learned Trial Court ultimately disposed of the application under Section 7(2) of the 1997 Act holding the petitioner defaulter for the period July 2025 to October 2025.

6. The petitioner thereafter filed an application under Section 151 of the Code thereby bringing it to the notice of the Court that as adduction of evidence on behalf of the petitioner was closed on August 20, 2025 therefore, the petitioner could not bring on record rent deposit challans for the period

July 2025 to October, 2025. It was contended that the rent deposit challans brought to the notice of the Court by way of the said application should be considered by the Court and the order dated November 20, 2025 passed on the petitioner's application under Section 7(2) of the 1997 Act be modified since the petitioner could not be held to be a defaulter for the said period in view of the clear deposits of rent made by her.

7. The learned Trial Court rejected such application by the order dated February 11, 2025. Feeling aggrieved by both the aforesaid orders, the petitioner has approached this Court by filing the present revisional application.

8. Ms. Biswas, learned Advocate appearing for the petitioner submits that the learned Trial Court has been remiss in holding the petitioner a defaulter for the period of July 2025 to October 2025 without taking into consideration the fact that as the evidence of the petitioner was closed in August 2025 itself, therefore there could be no occasion for the petitioner to bring on record or produce the rent deposit challans in respect of July 2025 to October, 2025. It is further submitted that once the aforesaid material was brought-on-record, the learned Trial Court should have modified the earlier order by taking into consideration the material-on-record.

9. Learned Advocate appearing for the opposite party submits that the learned Trial Court has passed the order correctly inasmuch as the petitioner has failed to satisfy the learned Trial Court that the rent was indeed deposited for the period July 2025 to October, 2025.

10. Heard learned Advocates appearing for the respective parties and considered the material-on-record.

11. Since the evidence of the petitioner was closed on August 20, 2025, the petitioner could obviously not have brought-on-record during evidence rent deposit challans for the months of August 2025 to October, 2025 given the fact that the last date for depositing current rent in term of Section 7(1) of the 1997 Act is the 15th of the month succeeding the month for which the same is due. Furthermore and in any case when the Court is in seisin of the suit and evidence is brought before the learned Trial Court to the effect that the petitioner was not a defaulter and the evidence is such that the same could not have been brought before the learned Trial Court at the time of adduction of evidence, the learned Trial Court should not have ignored the same.

12. In such view of the matter, the orders dated November 20, 2025 and February 11, 2026 passed by the learned Trial Court are set aside.

13. The learned Trial Court shall reconsider the petitioner's application under Section 7(2) of the 1996 Act upon appreciating the rent deposit challans furnished by the petitioner by way of the petitioner's application under Section 151 of the Code. The learned Trial Court shall permit the petitioner to produce the original rent deposit challans for the purpose of proper appreciation thereof and then reach a conclusion.

14. The learned Trial Court is requested to conclude such exercise within a month from the next date fixed without granting any unnecessary adjournment to either of the parties.

15. C.O. 1149 of 2026 stands disposed of. There shall be no order as to costs.

16. 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.)