

N.22S1
151/CL

CO 1302 of 2026

Sri Sanjay Shaw
v.

Sri Swapan Kumar Mukherjee

04.05.26
ML-47
Ct-06
(S.R.)

Mr. Raghunath Chakrabarty
Mr. Saikat Thakurata ... for the petitioner.

1. This revisional application is directed against an order dated February 6, 2026 passed by the learned Civil Judge (Junior Division), 2nd Court at Alipore, South 24-Parganas in Ejectment Suit No.222 of 2024. By the order impugned, the learned Trial Court has rejected the petitioner's application under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 (hereafter 'the said Act of 1997') and struck out the petitioner's defence by invoking the provisions of Section 7(3) of the 1997 Act.
2. Learned advocate appearing for the petitioner submits that the order impugned could not have been passed in the facts of the present case where the petitioner has not committed any default at all. In fact, the petitioner has made an advance deposit in respect of the month of September, 2025 while depositing the rent in the month of October 2025. To be precise, his submission is that the last date for depositing rent for the month of September, 2025 would have been October 15, 2025 but since during such period, the Court would have been

closed for the annual vacation (Puja Vacation), therefore, as a precautionary measure, the petitioner deposited the rent for the month of September, 2025 along with the rent in the month of August, 2025.

3. Having heard the learned advocate appearing for the petitioner and having perused the material on record, this Court is *prima facie* satisfied that in the facts of the present case, there is no real default committed by the petitioner.
4. In such view of the matter, this revisional application is admitted.
5. The petitioner shall serve a copy of the revisional application along with notice on the opposite party intimating the opposite party that the matter shall be taken up next on June 9, 2026.
6. In view of the *prima facie* case that has been made out by the petitioner, the petitioner shall be entitled to pray for an adjournment before the learned Trial Court on the next date fixed, if the said date is prior to the date on which the revisional application has been made returnable.

(Om Narayan Rai, J.)