

25.03.2026
Item No.22
Ct. No. 30
Aloke

CO 3017 of 2024

Abid Ali Nawaz & Ors.
Vs
Abu Taher & Ors.

Mr. Md. Farhauddin
Mr. Shabbir Yazdani
... for the petitioners

Mr. Wasim Ahmed
Mr. Md. Saifur Rahaman
... for the opposite parties

1. The revisional application has been preferred challenging order no. 182 dated 12.07.2024 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta, in Ejectment Suit No. 1639/2001 thereby rejecting the application filed by the defendant.
2. Vide the impugned order, the trial Court passed the following order :

“That the application dated 20.06.2024 filed by the defendant seeking permission to deposit rent for the month of May, 2024 is hereby rejected on contest but without any order as to costs.

*Fixing **18.07.2024** for further cross examination of DW positively, taking into consideration the age of the case which is more than 23 years old and also the direction of the District Case Management*

Committee in terms of the direction of the Hon'ble Apex Court and the Hon'ble Calcutta High Court."

3. In course of hearing, learned counsel for the petitioner submits that the trial Court lost track of the fact that under the Act of 1956, delay of a few days is permissible which the Court erroneously overlooked.
4. On hearing the learned counsels for the parties and considering the fact that the eviction suit is pending for almost 25 years, the civil revision is disposed of with the direction that the petitioner at this stage is at liberty to deposit the said amount and make the subsequent deposits which is not being accepted by the Court.
5. All such deposits including the one which was refused by the trial Court but is being allowed by this Court shall be subject to the final decision of the suit.
6. The trial Court shall make all endeavour to dispose of the suit finally within six months from the date of this order without granting any unnecessary adjournment to either sides.

7. Civil revision stands disposed of.
8. Connected application, if any, stands disposed of.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)