

17.02.2026
Item No.31
BR

CO 3074 of 2024
Sk.Ejaha @ Bablu
-vs-

**Purbakola Powerloom Samabaya
Samiti Ltd. Repr. By its Seceretary
Asutosh Maity**

Mr. Partha Sarathi Roy
Ms. Mohua Palit
... for the petitioner

1. The revisional application has been preferred challenging order no. 29 dated 05.04. 2023 passed by the learned Civil Judge (Junior Division), 1st Court, Tamruk , Purba Medinipur in an application under Section 7(3) of the West Bengal Premises Tenancy Act, 1997 which was filed in connection with a suit for eviction of an ex-tenant , recovery of khas possession and permanent injunction.
2. On perusal of the impugned order , it appears that the trial Court passed the following order:

*“ Today is fixed for order in respect of petition dated 4.2.2023 U/S 7 (3) of WBPT Act, 1997, **hearing of petition dated***

12.01.2022 U/s 7 (2) of WBPT Act
and cost of Rs. 300/- by defendant
and filing copy of challan.

*Ld. Advocate for defendant has
filed hazira.*

*Ld. Advocate for **plaintiff** files
one adjournment petition in
respect of hearing of petition on the
grounds stated therein. Copy served.*

**The prayer for adjournment is
considered and allowed.**

*Cost of Rs.300/- not yet paid by
defendant.*

**Now the petition dated
4.2.2023 under Section 7(3) of
West Bengal Premises Tenancy
Act, 1997 is taken up for
hearing.**

*Ld. Advocate for plaintiff has
submitted that the defendant is
contesting this suit by filing his
written statement but he has not
deposited admitted arrear of rent
and current rent in compliance of
provision under Section 7(1) (a) & (b)
of WBPT Act, within statutory period
and thus the defence of the
defendant is liable to be struck out in
this suit . Hence, this application”.*

3. It appears that on hearing the
parties , the learned trial Court

without disposing of the application under Section 7 (2) of the West Bengal Premises Tenancy Act has disposed of the application under Section 7 (3) of the WBPT Act and without hearing the application under Section 7 (2) of the WBPT Act on merit held the same to be infructuous.

3. The said order dated of the trial Court is thus erroneous and is accordingly set aside. Application under Section 7 (2) and 7(3) of the WBPT Act are restored.
4. The trial Court is directed to first hear the application under Section 7(2) of the WBPT Act and dispose of the same on merit by passing a reasoned order and only on disposal of the said application shall take up the application under Section 7(3) of the WBPT Act **in due course**.
5. The trial Court is directed to dispose of the application under Section 7 (2) of the WBPT Act within 30 days from the from the date of communication of this order on hearing the parties and passing a reasoned order in accordance with law and decide the same on merit

and thereafter proceed with the suit in accordance with law.

6. CO 3074 of 2024 stands disposed of.

7. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)