

24.3.2026
Item no. 38
Court no. 30
g.b.
266012

**CO 3744 of 2024
With
CAN 1 of 2025**

**Md. Irfan
Vs.
Md. Sagir**

Mr. Gautam Das
..... For the Petitioner
Mr. Biswajit Hazra
Mr. Sahinur Rahman
Mr. Archisman Sain
....For the Opposite Party

1. The revisional application has been preferred against an order dated August 01, 2024 passed by the learned Civil Judge (Junior Division), Additional Court, Sealdah, South 24 Parganas in Ejectment Suit No. 31 of 2019.
2. Vide the impugned order, the learned trial court has been pleased to reject the defendant/petitioner's application under Section 5 of the Limitation Act on the ground that the same is not applicable to the W.B.P.T. Act, more so Section 7(2) of the Act.
3. Admittedly, summons was received by the defendant/petitioner on 08.04.2019. The petitioner appeared before the court filing the

application under Section 7(2) of the W.B.P.T. Act on 27.05.2019.

4. Learned counsel for the opposite party has fairly supported the learned counsel for the petitioner in respect of his submission that the trial courts were not functioning from 25.04.2019 to 24.05.2019 due to a strike called by the Bar Council.
5. This court finds that the petitioner herein was not in a position to file an application before the trial court within the time prescribed under the Act for no fault of his.
6. Accordingly, as this court finds that within three days of lifting of the said strike, the petitioner filed the application, in the interest of justice, the delay is condoned and the application under Section 7(2) of the W.B.P.T. Act is restored to its file and number. The trial court shall consider/hear the application under Section 7(2) of the W.B.P.T. Act in accordance with law and also the suit expeditiously.
7. **CO 3744 of 2024** stands disposed of.

(Shampa Dutt (Paul), J.)