

267 **20.09.**
2023

Ct. No. 652

Ab

SA 277 of 2013
IA No. CAN 3 of 2022

Sudipta Ghosh
Vs.
Biswajit Pradhan.

Mr. Anirban Mitra,
Mr. Amit Roy,
Ms. Madhumita Sadhukhan.
... for the appellant.

Re: CAN 3 of 2022

The opposite party is not represented.

This is an application for appropriate order contending that sole tenant defendant Lata Prodhan expired in 2007, being the mother of present respondents/defendants and five years have already been completed and present respondents have lost their right to stay in the suit property, in terms of section 2(g) of the West Bengal Premises Tenancy Act, 1997 and as such an additional substantial question of law be framed over that issue and he further referred in this context the judgment passed by this Court in Sri Sushil Kumar Jain & Ors. vs. Pilani Properties Limited, reported in 2017 SCC OnLine Cal 18807, which was affirmed by the Hon'ble Apex Court in SLP (C) No. 2750 of 2018 vide order dated 7th February 2018.

Having considered the submissions made by the appellant as well as the contents of the application, I find no further substantial question of law is required to be framed at this stage for hearing of the appeal. However, the issue regarding applicability of section 2(g) of the West Bengal Premises Tenancy Act, 1997 in the present context and also applicability of the aforesaid case laws, shall be kept open at the time of final hearing of the appeal.

Let the appeal be listed for hearing on 7th December 2023.

The appellant is directed to serve fresh notice upon the respondent intimating the next date of hearing of the appeal and file affidavit of service on the next date.

(Ajoy Kumar Mukherjee, J.)