

N.22S1
151/CL

CO 1690 of 2026

Smt. Hira Devi Jain
v.
Sri Pritepal Singh & Anr.

15.06.26
DL-39
Ct-06
(S.R.)

Mr. Tanmay Mukherjee
Mr. Animesh Paul ... for the petitioner.

1. This revisional application is directed against an order dated May 16, 2026 passed by the learned Judge, 3rd Bench Presidency Small Causes Court, Calcutta thereby holding the petitioner to be a defaulter in payment of rent from July 2011 to April 2026 and directing the petitioner to either pay to the landlord and/or deposit before the Court arrears of rent at the rate of Rs.1,000/- together with statutory interest at the rate of 10% per annum thereon within one month from the date of the order i.e. from May 16, 2026.
2. Mr. Mukherjee, learned advocate appearing for the petitioner submits that the learned Trial Court has found the petitioner to be a defaulter on the misconceived notion that the petitioner went on depositing rents in Suit No.163 of 1977 pending before this Court that got dismissed on June 13, 1997 and, as such, all such deposits were invalid deposits.
3. Mr. Mukherjee, hands up to Court a copy of an order dated June 17, 1997 and submits that the

order of dismissal of the said suit passed on June 13, 1997 was recalled and the suit was restored to file.

4. Having heard Mr. Mukherjee, learned advocate appearing for the petitioner and having perused the material on record, this Court is of the *prima facie* view that the learned Trial Court was not justified in holding the petitioner to be defaulter for the period indicated in the order impugned on the basis that the petitioner went on depositing rents in respect of a dismissed suit, inasmuch as from a copy of the order dated June 17, 1997 produced in Court by Mr. Mukherjee, it appears that the suit was restored merely four days after its dismissal.
5. In such view of the matter, the operation of the order impugned dated May 16, 2026 passed in Ejectment Suit No.146 of 2018 shall remain stayed for a period of one month from date.
6. The petitioner shall serve a copy of the revisional application along with notice on the opposite parties intimating them that the matter shall be taken up next on June 25, 2026 and file affidavit of service to that effect on the returnable date.

(Om Narayan Rai, J.)