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21.06.2018
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**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

C.O. No. 631 of 2018

**Smt. Bindu Dadlani
-Vs.-
Smt. Gita Ghosh**

Mr. Rajdeep Bhattacharya
...for the petitioner

The defendant in an eviction suit has filed the instant application. The petitioner had filed her examination-in-chief in connection with an application under Section 7(1) and (2) of the West Bengal Premises Tenancy Act, 1997 and had sought an opportunity to lead evidence. On a particular date, when petitioner was absent, such prayer of the petitioner, for leading evidence, was turned down by the trial court. Challenging such order, refusing leading of evidence, the petitioner preferred a revisional application, giving rise to C.O. No. 4158 of 2017, which is still pending in this Court. Vide order dated December 21, 2017, a coordinate bench of this Court directed the revisional application to appear on a returnable date and granted the petitioner liberty to pray for adjournment before the court below.

Pursuant to such liberty, the petitioner prayed for adjournment in the court below upon production of an advocate's letter communicating the said order of this Court. Despite such communication, the trial court took up for hearing the application under Section 7(1) and (2) of the West Bengal Premises Tenancy Act and disposed of the same by the impugned order dated January 29, 2018.

Since it is well-settled that communication by an advocate is as good as production of certified copy of the order in question, unless strongly rebutted, prima facie the trial court acted without jurisdiction in disbelieving such communication and disposing of the application in question on merits.

Accordingly, petitioner will serve a copy of C.O. No. 631 of 2018 on the opposite party and/or on the learned advocate appearing for the opposite party in the court below indicating that the matter will appear in the monthly combined list of August, 2018 as a "listed motion" when the petitioner will file an affidavit of service.

There will an order of stay of all further proceedings in Ejectment Suit No. 28 of 2014 pending in the Third Additional Civil Judge (Junior Division) at Alipore, District South 24-Parganas till August 31, 2018 or until further orders, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)