

EJECTMENT SUIT NO. 278 OF 2004 [331/2014]
C. N. R. NO. WBPS01-001043 - 2004
Before Sri Sridhar Chandra Su, Ld. Judge, 5th Bench.

ORDER NO. 97 DATED 31.10.2022

Today is fixed for passing order of the petition dated 10.11.2021 under Sec.7(3) of the W.B.P.T. Act.

Plaintiff has filed hazira.

Defendant has filed one petition praying for time for filing all missing challans on the ground stated therein. Copy not served and annexed herewith.

Prayer for time by the defendant is rejected.

The record is taken up for passing order.

The case of the petition under Sec.7(3) of the W. B. P. T. Act, in a nutshell, is that the defendants were contesting the suit by filing written statement and also by filing applications under Sec.7(1) and Sec.7(2) of the W. B. P. T. Act and the said petitions were disposed of on contest holding that the defendants are in arrear of rent for 8 months @ Rs.100/- with interest amounting to Rs.853/- to be paid within 30 days from the date of the order with further direction to go on depositing the current rent month by month. That the defendant has neither submitted any paper in Court showing payment of arrear rent as well as current rent in compliance with order dated 29.08.2005 and in absence of any document, the defence of the defendant against delivery of possession is liable to be struck off.

No written objection has been filed by the defendant against the instant petition under Sec.7(3) of the W. B. P. T. Act filed by the plaintiff.

Considering the petition, submissions of Id. Advocates for both sides and the materials on record, it appears from the record that the defendant, after appearing in this suit, filed applications under Sec.7(1) and Sec.7(2) of the W. B. P. T. Act and the same were disposed of on contest vide order no.03 dated 19.01.2005 and order no.07 dated 29.08.2005 holding that the defendant is defaulter in payment of rent for eight (8) months @ Rs.100/- directing the defendant to pay/deposit arrear rent along with statutory interest amounting to Rs.853/- within 30 days from the date of the order. But since thereafter, not a single scrap of paper has been filed by the defendant showing compliance of the said order by the defendant and as such, the defence of the defendant against delivery of possession should be struck off.

Hence, it is

ORDERED

that the petition dated 10.11.2021 under Sec.7(3) of the W. B. P. T. Act filed by the plaintiff is allowed on contest.

The defence of the defendant against delivery of possession is hereby struck off.

Fix 30.01.2023 for P. Hearing of the suit.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]
J.O. Code No. WB-00-620.