

TS 158/2021  
CNR No. WBND 070001982021  
Present : Rajib Sarkar  
JO Code WB01509

Order No. 16  
Date 18.03.2023

Today is fixed for hearing of petition u/s 7 (2) of WBPT Act filed by the defendant on 31.08.2022.

Both the parties are present by filing their respective lawyer's hazira.

Ld. Advocate on behalf of the defendant submits that they admit to the claim raised by the plaintiff regarding arrear rent and are ready to deposit the same along with statutory interest.

Ld. Advocate on behalf of the plaintiff raises objection on the point that the instant petition is barred by limitation and the defendant had also filed a petition u/s 5 of Limitation Act. As such the petition u/s 5 Limitation Act must be heard first.

Ld. Advocate on behalf of the plaintiff has also filed WO against the petition u/s 5 of Limitation Act.

On perusal of the record, it appears that the said petition u/s 5 of Limitation Act was allowed vide order no. 7 dated 31.08.2022 and the Ld. Advocate on behalf of the defendant submits that the same was allowed on consent of the Ld. Advocate on behalf of the plaintiff.

The Ld. Advocate on behalf of the plaintiff fails to recall such incident.

On perusal of the said petition it becomes clear that copy of the same was served upon the plaintiff but objection has not been endorsed on the same. Moreover, the order allowing the said petition was passed on 31.08.2022 and after delay of almost seven months the plaintiff cannot file WO and raised objection against such petition. As such let the WO be kept with the record.

Now, as regards the petition u/s 7(2) WBPT Act the claim regard arrear rent is from the month of Baishakh, 1426 BS and the defendant depositing the rent in this court since Shraban, 1429 BS. As such the arrear is for 39 months amounting to Rs.( 39 X 150) i.e. 5850/- and 10% statutory interest i.e. Rs. 585/-. Therefore, the total amount to be deposited by the defendant in respect of the arrear rent is Rs. 6435/-.

Hence, it is

**Ordered**

that the instant petition nbe and the same is allowed on contest.

The defendant is directed to deposit a total of Rs. 6435/- as arrear rent and statutory interest within the next date.

Fix 08.05.2023 for examination of parties by court u/O 10.

*Dictated & corrected by me*

Sd/- R. Sarkar  
Civil Judge(Junior Division),  
Nabadwip, Nadia