

EJ Suit No. 05 OF 16 CIS 38 OF 16  
**CNR WBNP18-000286-2016**

04-03-2021

Today is fixed for hearing of 7(2) petition of WBPT Act and Sec. 5 of Limitation Act.

Both parties files haziras.

The petition U/s.5 of Limitation Act is taken up for hearing and passing order.

On perusal of the petition and other materials on record it appears to this court that the petition U/Sec.5 of limitation Act is not maintainable in this suit.

Hence, it is

O R D E R E D

that the petition U/s-5 of Limitation Act is hereby rejected on contest.

D/c by me

CJ (Jr. Divn.)  
(JO CODE WB01423)  
Bidhannagar

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Later.

The Petition U/s.7(1) & 7(2) of WBPT Act are taken up for hearing.

Ld. Advocated for the plaintiff consented that the Petition U/s.7(1) & 7(2) of WBPT Act shall be allowed for the interest of justice.

On perusal of the petition and other materials on record it appears to this court when Sec.5 was rejected there is no scope of

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hearing of Petition U/s.7(1) & 7(2) of WBPT Act, but this Court holds a liberal view allowing the Petition U/s.7(1) & 7(2) of WBPT Act on consent of other side. In the above circumstances, this court holds a view that the defendant has the arrear due of Rs.25,198/- and admitted rate of rent is Rs.138/- per month.

Hence, it is

O R D E R E D

the petition U/s.7(1) and 7(2) of WBPT Act is allowed on contest.

The defendant is hereby directed to pay Rs.27,717/- to the plaintiff.

The defendant/tenant is also directed to continue the deposit the current rent by each succeeding month.

Fix **21-04-2021** for framing of issue. Discovery and inspection if any in the meantime.

D/c by me

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