

Ejectment Suit No. 65 of 2012
WBNP18-002343-2012

Order dated: 09/05/2024

Record is put up today by the plaintiff.

By filing the put up application plaintiff submits that plaintiff is a senior citizen and the suit shall be expeditious disposed of.

Put up prayer is allowed.

Record is taken up for passing order.

By application dated 02/01/2024 Id. Advocate for the plaintiff submits that defendant has failed to comply with the order of the court date 08/03/2019. Further it is claimed by plaintiff that even under the provision of section 151 of CPC, defendant cannot be grant any opportunity to deposit rent at a later date. Plaintiff prays for the striking off the defence of the defendant.

The provision of law as enumerated in the West Bengal Premises Tenancy Act emphatically pronounces that when any suit has been instituted against tenant by the landlord, tenant shall deposit all the admitted arrears of rent either to the landlord directly or deposit the same with the Civil Court. Whereas in circumstances where there is a dispute with respect to the rate of rent then tenant shall make an application for determination of the rate of rent and the arrear amount. Upon such determination arrear amount shall be paid to the landlord and upon his refusal to be deposited as civil challans within one month from the date of order or within such extended time as may be provided.

This instant suit was instituted on 10/10/2012 and vide order dated 08/03/2019 application under section 7(2) was adjudicated and disposed of. The rate of rent was taken to be Rs. 260 per month and arrear amount was determined as Rs. 26,312/- to be paid within one month of the order by two installments. As per the aspersions of the plaintiff no such payment is paid.

Ld. Advocate for the defendant at the time of hearing produced before this Court the challans from July 2011 to February 2019. Thus, it appears that defendant has been since the inception of this suit has been paying rent before the rent controller and after the institution of this suit had deposited the admitted rent before the Court. On further perusal of the rent challans it transpires that one challan, that is, for the month of April 2014 has not been paid. Thus, defendant is allowed by this Court to make payment with respect to one month rent ,i.e April 2014.

From the civil challans filed by defendant it is clear that defendant is not yet a defaulter in compliance of the Order dated 08/03/2019. to bring a clear picture Defendant is further directed to file challans for the month since February 2019 till today to show compliance of section 7 (1) (c) of WBPT Act.

Fix 22/05/2024 for filing of challan by the defendant.

BC1 is directed to give short dates for the disposal of this suit taking into consideration the direction of Hon'ble High Court at Calcutta.

C.J (J.D)
WB 01536