

EJECTMENT SUIT NO. :-317 OF 2025
(CNR No. WBPS01-000607-2025)
(JO CODE No. WB01165)

Before Smt. P. Shukla, Ld. Judge-in charge, 3rd Bench.

Order no. - 8
Dt. 27.03.2026

Today is fixed for appearance of the plaintiff.

Plaintiff file hazira.

defendant also appeared by filing hazira and U/s 7(2) of WBPT Act.

The Ld. Advocate for the defendant submitted that on the date 25.03.2026 defendant has filed an application U/s 7(1) of WBPT Act and today he is praying before this Court to permit the defendant to deposit rent in the court for the period of June 2025 to March 2026 @ Rs.1562/- per month being Rs.15620/- with interest of Rs.2000/- totalling Rs.17620/- and also the defendant be permitted to deposit current rent in the Court @ Rs.1562/- per month since April 2026 onwards and subsequent month at the said rate.

Per contra Ld. Advocate for plaintiff submitted that the record is fixed for ex parte hearing by order no.5, dated 24.02.2026 and without vacating the said order the defendant cannot pray for disposal of his application U/s 7(1) of WBPT Act.

Heard. Considered.

perused the entire document available on case record.

it is settled law that the defendant have to file the application U/s 7(1) and 7(2) of WBPT Act and also defendant have to deposit the admitted arrear rent and current monthly rent within 30 days from the date of receiving summon. Further it is also direction of the Hon'ble Upper Court that to deposit the admitted arrear rent within 30 days from the date of receiving the summons the defendant also not to have filed any formal application. The intention behind the legislature is to provide an opportunity to the defendant to deposit admitted arrear rent within 30 days from the date of receiving the summons.

....cntd.

On perusal of the case record it appears that the summons was returned with the postal remark "door locked" as appears from the bailiff report dated 16.01.2026. By order no.5, dated 24.02.2026 it is decided by Ld. Chief Judge, PSCC that the summon was duly served upon the defendant in accordance with Section 27 of General Clauses Act. In such circumstances, it appears that the application u/s 7(1) of WBPT Act which was filed by defendant on 25.03.2026 which is much later beyond the 30 days from the date of receiving summons.

Defendant has not complied the provisions of Section 7(1) of WBPT Act by not filing the said application within mandatory statutory period of 30 days from the date of service of summons. It is pertinent to mention here that the law of limitation is not applicable in respect of the delay in filing of application U/s 7(1) and 7(2) of WBPT Act.

Hence, it is

ordered

that the application U/s 7(1) of WBPT Act is rejected on contest being non maintainable.

To 15.05.2026 for hearing of petitions dated 25.03.2026 filed by defendant and w/o if any in the mean time.

D/C by me.


Judge, Bench - II,
P.S.C. Court, Calcutta.


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