

Ejectment Suit 236 of 2023.

[CNR No. WBPS01 -000501 -2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-06.

07-02-2024.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant dated 05-09-2023, w/o if any in the mean time.

Parties file haziras. Defendant files four original Court deposit challans and a photocopy of Court deposit challan by phristy. Let the same be kept with the case record.

On call, parties are found present through their respective Ld. Advocates. The petition u/s 7(2) W.B.P T Act filed by the defendants dated 05-09-2023 is taken up for hearing.

At the time of hearing, Ld Advocate for the defendant submits that all the rents have been properly deposited by the defendant and there is no due in payment of rent. Challans have been furnished in Court by the defendant to show the same.

On the other hand, Ld advocate for the plaintiff submitted that after inspecting the challans filed by the defendant the plaintiff is satisfied that all the deposits are correct and regular and rents have been paid properly .

Heard both sides. Perused the petition, and materials on record.

Considered.

Careful perusal of the plaint reveals that in page-02 pragraph-05 of the plaint, plaintiff has alleged the defendant to be defaulter in payment of rent since January 2010 whereas the defendant has disputed the same in her petition u/s 7(2) of W.B.P T Act dt 05-09-2023 claiming that the plaintiff has received rent up to April 2023 after issuing rent bill.

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(contd.....)

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Four photocopies of rent bills are annexed with the petition which are not controverted by the plaintiff.

Defendant has also filed up to date challans till December- 2023 wherefrom it reveals that after appearing in the suit, defendant has deposited the admitted arrears of rent with interest for the period from May 2023 to August 2023 and current monthly rent regularly from the month of September-2023. The plaintiff has also not disputed such deposit of rent made by the defendant.

It is admitted position of the parties that the rate of rent, and the relationship between the parties are not in dispute. The petition is also filed within time.

If that be so, then the petition filed by the defendant/tenant u/s 7(2) of W.B.P T Act can be disposed of on contest.

Accordingly,

it is ,

Ordered

that the petition u/s 7(2) of W.B.P T Act filed by the defendant dt 05-09-2023 is disposed of on contest with the observation that no rent is lying due and payable by the defendants till December- 2023.

Defendant is directed to go on depositing current rent month by month by the 15th of each succeeding month as per law.

W/s filed by the defendant was accepted on 18-11-2023.

Accordingly, fix. **(26/04/2024)** for framing of issues.

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.

