

Ejectment Suit 10 of 2023.

[CNR No WBPS 01 000019 2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-06.

06-10-2023.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant dated 17-02-2023 and consideration of acceptance of W/S filed by the defendant on 18-07-2023.

Plaintiff files hazira. Defendant files a petition u/s-5 of Limitation Act praying for acceptance of W/S after condoning the delay of 39 days on the ground stated therein. Copy served.

Defendant also files six original Court deposit challans in High Court Form no (J) 22.

Parties are found present on call. The petition u/s 7(2) of W.B.P T Act filed by the defendant dated 17-02-2023 is taken up for hearing together with its Written Objection filed by the plaintiff on 02-05-2023.

Heard both sides.

Perused the petition, its written objection filed by the plaintiff dt 02-05-2023 challans and other materials on record.

Considered.

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 and other documents have been filed in Court by the defendant.

On the other hand, Ld advocate for the plaintiff although the plaintiff has filed Written Objection against the petition of the defendant filed u/s 7(2) of W.B.P T Act but after inspecting the challans filed by the defendant, he submitted that the plaintiff is satisfied that all the

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deposits are correct and regular and rents have been paid properly. He prayed for disposal of the petition u/s 7(2) of W.B.P. T Act.

On careful perusal of the plaint reveals that in page-02, paragraph-02 of the plaint, plaintiff has alleged the defendant to be defaulter in payment of rent since February- 2021 whereas in the petition u/s 7(2) of W.B.P T Act dt 17-02-2023, defendant has denied the same and further disputed the relationship of landlord and tenant between the parties.

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

Defendant has filed up to date challans till August- 2023 wherefrom it reveals that after appearing in the suit, defendant has deposited the admitted arrears of rent with interest and current monthly rent regularly in Court. The plaintiff has not disputed the payment of rent made by the defendant or the regularity and validity of the deposits.

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 17-02-2023 is disposed of on contest with the observation that no rent is lying due and payable by the defendant till August- 2023.

p.t.o.....

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

Fix (**19-01-2024**) for hearing of the petition u/s -5 of Limitation Act filed by the defendant dt 06-10-2023 praying for condonation of delay in filing W/S, W/O if any in the mean time by the plaintiff.

Dictated & corrected

by me

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.