

EJECTMENT SUIT NO. 26 OF 2024
C.N.R No. WBPS01-000055-2024

IN THE COURT OF 4TH BENCH, PRESIDENCY SMALL CAUSE COURT,
CALCUTTA
PRESENT: SMT. ARCHITA SEN, JUDGE, 4TH BENCH, PRESIDENCY SMALL
CAUSE COURT, CALCUTTA.

ORDER NO- 08
DATED 09-01-2025:

Today is fixed for hearing of the petition under section-7(2) of the West Bengal Premises Tenancy Act, 1997 filed by the defendant. Both the parties file separate attendance through their respective Ld. Advocates.

The defendant files the challans today.

The petition under section-7(2) of the W.B.P.T Act is taken up for hearing.

Heard both sides.

Perused the record including the said petition, written objection and the challans filed by the defendant.

Considered.

It appears from the record that the plaintiffs claimed that the defendant has failed and neglected to pay rent to the plaintiffs since the month of June, 2021. The defendant did not deny that she is a monthly tenant under the plaintiffs in respect of the suit premises on the payment of rent at the rate of Rs.500/- payable according to the English Calendar month. But the defendant stated that she has paid the rent up to the month of March, 2022 upon proper receipt. After appearance in the suit on 15.03.2024 the defendant prayed for permission to deposit the admitted arrears of rent from the month of April, 2022 to February, 2024 with statutory interest and for depositing the current rent since the month of March, 2024. The prayer of the defendant is allowed and she complied with the Order of the Court. The defendant has filed all the Court deposit challans and prayed for passing an Order.

The plaintiffs filed written objection against the said petition. On perusal of the written objection it appears that it contains only formal objection. After inspection of the challans filed by the defendant, it is submitted on behalf of the plaintiffs that the defendant could not show any documents to show that she has paid rent till March, 2022. So the plaintiffs prayed for passing necessary Order.

After going through the application of the defendant and the challans filed by her it can be adumbrated that the amount of rent is not disputed between the parties. So far as the relationship of landlord and tenant between the plaintiff and defendant is concerned, that is also admitted by the defendant. The dispute lies only on the period of the default. As per the plaintiffs the defendant is a defaulter since June, 2021. After appearance of the defendant in this suit, she deposited the admitted arrears of rent for the month of April, 2022 to February, 2024 as it reflects from the challan and thereafter she is regularly depositing rent which will reflect from the Court deposit challans filed by the defendant. All these deposits are made within statutory period. Though the defendant claimed that he paid the rent till the month of March, 2022 upon proper receipt but the defendant has not filed the rent receipts showing that she has paid the rent since June, 2021 till March, 2022. Consequently this Court is constrained to hold that the defendant is defaulter in the payment of rent from the month of June, 2021 till March, 2022. The defendant shall get a chance to pay the arrears of rent for the month of June, 2021 till March, 2022 along with the statutory interest. The defendant is liable to pay the arrears of rent for ten months at the rate of Rs.500 which equals to Rs.5000/- along with 10% statutory interest, ie Rs.500/-, in total 5000+ 500 = 5500/-.

Hence it is

O R D E R E D.

That the petition under section-7(2) of the West Bengal Premises Tenancy Act, 1997 filed by the defendant is disposed of on contest without cost.

Defendant is held to be defaulter for the month of June, 2021 to March, 2022.

Defendant is directed to pay the arrears of rent for aforesaid month together with the statutory interest (in total Rs.5500) within one month from the date of passing of this Order.

The defendant is directed to go on paying the current rent within the time specified in section-7(1)(c) of the W.B.P.T Act.

To 17.02.2025 for framing of issue.

Typed, Corrected and Printed by me.

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174

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