

EJECTMENT SUIT NO. 40 OF 2021
C. N. R. NO. WBPS01-000074-2021
Before Sri Sridhar Chandra Su, Ld. Judge, 5th Bench.

ORDER NO. 13 DATED 05.04.2022

Today is fixed for hearing of the petition under Sec.7(2) of the W. B. P. T. Act.

Both parties have filed their respective haziras.

Ld. Advocates for both sides are present.

The record is taken up for hearing of the petition.

Heard ld. Advocates for both sides.

Defendant, by filing the instant petition, has stated that the defendant is a tenant under the plaintiff in respect of the suit property at a monthly rental of Rs.319/- payable according to English calendar month. That the plaintiff issued rent bill for the months of April 2019 to July 2019 on receipt of an amount of Rs.1404/- from the defendant and the defendant also paid rent including KMC charges for the months of August 2019 to November 2019 which is not disputed by the plaintiff. Thereafter, defendant requested the plaintiff to receive monthly rent for the months of January, February 2020 and onwards. The defendant prayed for determination of arrear rent and permission to deposit the same to the credit of the plaintiff as per law.

Ld. Advocate for the defendant, at the time of hearing, has submitted that the rate of rent is Rs.351/- p.m. payable according to English calendar month and the defendant has already deposited the rent since December 2019 to March 2022 and as such, there is no arrear rent due and payable by the defendant.

On the other hand, ld. Advocate for the plaintiff has submitted that the defendant is a tenant @ Rs.351/- p.m. payable according to English calendar month and is a defaulter in payment of rent since December 2019.

Considering the submissions of ld. Advocates for both sides, the materials on record and the challans filed by the defendant, it appears that the defendant is a defaulter in payment of rent since December 2019 and the defendant has deposited all the rents from December 2019 till date. And, as such, defendant is not a defaulter in payment of rent.

Hence, it is

Ordered

that the petition under sec.7(2) of the W.B.P.T. Act is disposed of on contest:-

the petition under Sec.7(2) of the W. B. P. T. Act is disposed of on contest with the following observation:-

Defendant is a tenant under the plaintiff in respect of the suit premises at a rental of Rs.351/- payable according to English calendar month.

Defendant is not a defaulter in payment of rent in respect of the suit premises.

Defendant is directed to go on depositing the current rent month by month within 15th day of each succeeding month.

Fix 20.05.2022 for framing of issues.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]
J.O. Code No. WB-00-620.