

Ejectment Suit 41 of 2025.
(CNR No. WBPS01-000101-2025.

Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

08.

02/02/2026.

Today is fixed for hearing of petition u/s- 7(2) of W.B.P. T Act along with supplementary affidavit against the petition u/s 7(2) of W.B.P T Act filed by the defendant on 17-06-2025 and also consideration of acceptance of Written statement alongwith hearing of petition u/s 151 of C.P Code filed by the defendant regarding acceptance of Written statement dt 16-07-2025.

Both parties file haziras.

Ld. Advocates for the contesting parties are found present on call.

The matter is taken up for hearing.

Heard both sides.

So far the petition u/s 151 of C.P Code filed by the defendant dt 16-07-2025 praying for acceptance of Written Statement is concerned, Ld. Advocate appering for the defendant submitted that there was some defects found in the applications u/s 7(1) & 7(2) of W.B.P T Act for which the defendant has to file supplementary affidavit , which subsequently caused delay in filing of the Written Statement . It is further argued that W/S has been filed after the expiry of 30 days but within the extended period of 90 days. He prayed for acceptance of the Written statemenmt.

Against the instant application, plaintiff has filed W/O on 22-08-2025 denying all the material contentions made in the petition. Ld.Advocate for the plaintiff at the time of hearing has submitted that no specific and justifiable cause has been shown by the defendant in his petition for the delay in filing of the Written statement. Relying on decisions reported in 2024 SCC ONLIne NAD 4785 as well as decisions titled as Salem Advocate Bar Association , T.N vs Union of India (2005) 6 SCC4 & Kalisah v Nanhku and others in (2005) 4 SCC 480, she submitted that extenstion of time for filing Written Statement can only be granted by way of exception and for reasons assigned by the defendant and recorded in writing by the Court to its satisfaction.

Heard both sides. Perused the petition, its written objection as well as materials on record.

Record reveals that as per bailiff report , summons have been received by the defendant on 20-03-2025 and the Written Statement has been filed 16-07-2025 as the order sheet reveals.

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Therefore it is clear that the Written Statement has not been filed within 90 days as contended by the defendant.

However, for larger interest of justice and in order to give the defendant a fair chance to contest the suit on merit on the actual disputes involved between the parties , Written Statement filed by the defendant on 16-07-2025 is accepted but subject to payment of cost of Rs.500/- payable by the defendnt to the plaintiff. The petition u/s 151 of C.P Code filed by the defendant regarding acceptance of written statemement is thus stands disposed of.

Let the matter be **transferred** to the Court of Ld. **Judge V th Bench**, Presidency Small Cause Court for disposal. The petition u/s 7(2) of W.B.P T Act shall be disposed of by the Trial Court.

Parties are directed to appear before the transferee Court on **(06/03/2026)**

Chief Judge.

J.O. Code WB 01130.