

Ejectment Suit 70 of 2023.

[CNR No WBPS 01 000143 2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-07.

04-10-2023.

Today is fixed for hearing of petition u/s 7(1) & 7(2) of W.B.P T Act, w/o if any in the mean time and consideration of acceptance of W/S filed by the defendant dt 02-08-2023.

Both parties file haziras. On call, parties are found present. The matter is taken up for hearing .

Ld. Advocate for the defendant prayed for acceptance of the Written Statement as well for allowing the petitions u/s 7(1) & 7(2) of W.B.P T Act.

Against this, vehement objection has been raised by the Ld. Advocate for the plaintiff who submitted that both the petitions u/s 7(1) & 7(2) of W.B.P T Act as well as the Written Statement are not filed within the prescribed period of time.

Heard submission of the parties. Perused the petition and materials on record.

Considered.

So far W/S is concerned, record reveals that W/S has been filed by the defendant after 90 days of his appearance in the suit but the same has been filed within 120 days. Considering such factual aspect, in order to give the defendant a fair chance to contest the suit on merit on the real issues involved in the suit, W/S filed by the defendant is accepted but subject to payment of cost of Rs 300/-.

At this stage, the case is transferred to the Court of Ld. Judge **2nd Bench, P.S.C Court** for disposal.

So far the question of limitation regarding the petition u/s 7(1) & 7(2) of W.B.P T Act is concerned, the same will be adjudicated by the Trial Court after hearing both sides.

To..(**13-12-2023**)..for appearance of the parties before the transferee Court and filing receipt showing payment of cost by the defendant.

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.

