

Ejectment Suit 300 of 2024.
[CNR No. WBPS01-000598-2024]
Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-04.

03/01/2025.

Today is fixed for S/R, A/D and appearance.

Record reveals that on 20-12-2024, on the strength of a put up application, defendants have filed as many as four separate petitions, u/s 7(1) (a), 7(1) (c), u/s 7(2) of W.B.P T Act and another petition u/s151 of C.P Code on the ground stated therein after service of copies upon the other side and accordingly, those petitions are fixed today for consideration with opportunity to file W/O if any in the mean time by the plaintiff.

Today both parties file haziras.

Parties are present on call.

The matter is taken up for hearing.

Ld. Advocate for the defendants submitted that by filing the petition u/s 7(1) (a) and u/s 7(1) (c) of W.B.P T Act, the defendants have prayed for permission to deposit admitted arrears of rent as well the current rent in respect of the suit premises in Court . It is further submitted that the petitions are well within time and the same may be allowed.

Regarding the petition u/s 151 of C.P Code, Ld. Advocate for the defendant submitted that the defendant may be provided with a copy of the plaint and supporting documents which is necessary for preparation of the Written Statement . He prayed that necessary direction may be given to the plaintiff.

On the other hand, Ld. Advocate appearing for the plaintiff submitted that so far deposit of admitted arrears of rent as well as current rent by the defendant in Court is concerned, the plaintiff has got no objection but regarding supply of copy of plaint, it is submitted that plaintiff has already served the copy of plaint. He however undertook to provide copies of documents annexed with the plaint to the defendant and submitted that the petition may be disposed of .

Heard submissions from the parties.

Perused the case petitions as well as materials on record.

Considered.

From careful study of the service reports , it appears that the instant petitions are within time and unless the same allowed, defendants shall

suffer loss and injury. Besides, the plaintiff shall not be prejudiced in any way if the same is allowed.

Accordingly,

it is,

Ordered

that the applications u/s 7(1) (a), 7(1) (c) of W.B.P.T Act filed by the defendants dt 20-12- 2024 are allowed on consent.

Defendants are hereby permitted to pay/deposit the admitted arrear of rent calculated at the rate at which it was last paid and up to the end of the month previous to that in which the payment is made together with interest @ 10% p.a, within the time frame as prescribed under the law at their own risk without prejudice to the rights and contentions of the parties.

They are further at liberty to pay / deposit current rent month by month by 15th of each succeeding month at their own risk within the time frame as specified under the law without prejudice to the right and contention of the parties commencing from the month of December- 2024 So far the the petition filed by the defendant u/s 151 of C.P Code is concerned, plaintiff is directed to provide copies of documents supported with the plaintiff, if any to the defendant .

Therefore, the petitions u/s 7(1) (a), 7(1) (c) of W.B.P.T Act and the petition u/s 151 of C.P C filed by the defendants dt 20-12- 2024 are all disposed of.

To (**28/02/2025**) for hearing of petition u/s 7(2) of W.B.P T Act dt 20/12/2024 , w/o if any in the mean time with direction upon the defendants to file Written Statement within the prescribed period of limitation.

Dictated & corrected

by me :-

Chief Judge.

J.O .Code:- WB 01244.

Later:-

It is now 1:20 P.M.

After passing of the above order, plaintiff files a list of documents in High Court Form no (J) 22 showing service of copies of documents upon the defendant. Let the same be kept with the case record.

Dictated & corrected

by me :-

Chief Judge.

J.O .Code:- WB 01244.