

Ejectment Suit 92 of 2023.

[CNR No. WBPS01 -000196 -2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-09.

15-03-2024.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant on 12-10-2023 and hearing of petition u/s 148 read with Section 151 of C.P. Code also filed by the defendant , w/o if any in the mean time.

Both parties file haziras. Plaintiff files fresh vakalatnama with endorsement of no-objection of the erstwhile Ld. Advocate. The vakalatnama is accepted and the same be kept in the case record. Defendant files documents as per list. Let the same be kept in the case record.

Parties are found present on call. The matter is taken up for hearing. Heard both sides. Perused the petitions and materials on record. Considered.

So far the petition u/s 7(2) of W.B.P T Act is concerned, at the time of hearing, Ld Advocate for the defendant submits that all the rents have been properly deposited by the defendant and there is no due in payment of rent. Challans and other documents have been filed in Court by the defendant to prove the same.

On the other hand, , Ld Advocate for the plaintiff after inspecting the challans and documents filed by the defendant, submitted that the plaintiff is satisfied that all the deposits are correct and regular and rents have been paid properly.

Careful perusal of the plaint reveals that in page-03 paragraph -7 of the plaint, plaintiff has alleged that the defendant to be defaulter in payment of rent since March-2017, whereas as the defendant has denied the same in his petition u/s 7(2) of W.B.P T Act.

p.t.o.....

Defendant has filed documents and up to date challans till January-2024 wherefrom it reveals that after appearing in the suit, defendant has deposited the admitted arrear of rent with interest as well as current monthly rent regularly before the Court and prior to that period, rent has been deposited in the Office of Rent Controller by the defendant. The plaintiff has also not disputed such payment/deposit of rent made by the defendant.

Therefore, considering such attending facts and circumstances, this Court finds that the petition filed by the defendant u/s 7(2) of W.B.P T Act can be disposed of on consent.

Accordingly,

it is ,

Ordered

that the petition u/s 7(2) of W.B.P T Act filed by the defendants dt 12-10-2023 is disposed of on consent with the observation that no rent is lying due and payable by the defendants till January -2014.

Defendant are directed to go on depositing current rent month by month by the 15th of each succeeding month as per law.

Regarding the other petition of the defendant filed u/s 148 read with Section 151 of C.P. Code dt 02-01-2024 wherein the defendant has prayed for accepting the Written Statement after condoning the delay, the same is considered and allowed.

Let the suit be transferred to the Court of Ld. Judge, 3rd Bench, Presidency Small Cause Court, Calcutta. Parties are directed to appear before the transferee Court on (25-04-2024)

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.