

Ejectment Suit 101 of 2025.
(CNR No. WBPS01-000239 -2025)
Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

09.

06-03-2026

Today is fixed for hearing of petition u/s 7(2) of W.B.P. T Act filed by the defendant no 1 dated 16-06-2025 and also for hearing of petition u/o- 39 Rule 7 read with Section 39(2)(d) of C. P Code as well as hearing of petition filed by the defendant on 08-09-2025.

Parties file haziras.

Defendant no-1 files five original Court deposit challans by phiristy, let the same be kept with the case record.

On call, Ld. Advocate for the contesting parties are found present.

Ld. Advocates for the parties submitted that at first , the defendant's petition dated 08-09-2025 may be taken up for hearing. Accordingly, the said petition dated 08/09/2025 filed by the defendant is taken up for hearing along with the affidavit in opposition filed by the plaintiff on 19/11/2025.

Heard both sides.

Perused the petition, its affidavit-in-opposition as well as materials on record. Considered.

The contentions of the defendant no-1 made out in the instant application in brief, is that during inspection of the Rent Control challans, it has been observed that during the period since March 2021 to October 2022, the name of one of the landlords ie, plaintiff no-2 " Sujata Neogy" was correctly mentioned in the said challans however inadvertently , the name of the other landlord has been wrongly mentioned as " Shib Sankar Gupta" which ought to have been " Priyanath Neogy". Therefore, by filing the instant application, defendant no-1 is praying for an order for effecting necessary correction of the name of the plaintiff in the Rent Control challans since March 2021 to October 2022 .

Against the application, plaintiffs have filed affidavit-in-opposition denying all the material contentions made in the petition. It has been contended therein that neither the Civil Court nor the Rent Controller has any power or authority to make such corrections. The petition is not maintainable in the eye of law, mischievous and is liable to be rejected.

p.t.o.....

In support of their contentions, plaintiffs have relied upon decisions reported ***in 1982 SCC OnLine Cal 151 titled as Arun Brothers vs Sakti Prasanna Chatterjee and 2004 SCC OnLine Cal 10 titled as Prabir Ch Ghosh vs Sri Riju Thakur .***

Heard submissions of the parties.

Law is well settled that any mistake in any document can only be corrected by its issuing authority after following due diligence and procedure. In the present case, the impugned challans have not been issued by the Office of the Court. Therefore, this Court cannot entertain the prayer of the defendant no-1 for correction of the name of the plaintiff appearing in the challans for the period March 2021 to October 2022 . The inherent power of the Court as envisaged u/s 151 of C.P Code is also not applicable under the present facts and circumstances of the case . However, legality and validity of the deposits made by the defendant no-1 shall be adjudicated at the time of hearing of application u/s 7(2) of W.B.P T Act. The defendant no-1 is therefore at liberty to take necessary steps in accordance with law , if any, for correction of the name of the plaintiff appearing in the challans for the concerned period in the mean time.

With the above observation, the petition filed by the defendant no-1 dated 08/09/2025 stands disposed of.

Fix (**05/05/2026**) for hearing of application u/s 7(2) of W.B.P. T Act filed by the defendant no 1 dated 16-06-2025 and also for hearing of petition u/o- 39 Rule 7 read with Section 39(2)(d) of C. P Code filed by the plaintiffs dated 08/09/2025, respective Written Objections to be filed by the parties, if any, if not filed earlier.

Chief Judge.

J.O. Code WB 01130.

