

Ejectment Suit 118 of 2023.

[CNR No WBPS 01 000252 2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-05.

17-08-2023.

Today is fixed for hearing of petition u/s 7(2) W.B.P T Act filed by the defendants dated 21-06-2023.

Both parties file haziras.

Defendant files challans as per phiristy. Copy served. Let the same be with the case record.

Defendant also files Written Statement after service of Copy. Let the same be kept in the case record.

On call, parties are found present through their respective Ld. Advocates. The petition u/s 7(2) W.B.P T Act filed by the defendants dated 21-06-2023 is taken up for hearing.

Heard both sides. Perused the petition and materials on record. Considered.

No w/o has been filed by the plaintiff against the petition.

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 have been filed in Court by the defendant.

On the other hand, Ld advocate for the plaintiff submits that after inspecting the challans filed by the defendant, the plaintiff is satisfied that all the deposits are correct and regular and rents have been paid properly. He prayed for disposal of the petition u/s 7(2) of W.B.P. T Act.

Heard both sides, perused the petition and materials on record. Considered.

Record reveals that in page-2, paragraph-5 of the plaint, plaintiff has alleged the defendant to be defaulter in payment of rent since the month

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of July 2022 whereas in the petition u/s 7(2) of W.B.P T Act dt 31-01-2022, defendant has denied the same contending inter alia that the plaintiff refused to accept the rent after tendering of rent through money order.

Record further reveals that it is admitted position of the parties that the rate of rent, extent of tenancy and the relationship between the parties are not in dispute.

Defendant has filed up to date challans till June- 2023 wherefrom it reveals that defendant has deposited the admitted arrears of rent with interest and monthly rent regularly. The plaintiff has not disputed the payment of rent made by the defendant.

If that be so, then the petition filed by the defendant/tenant u/s 7(2) of W.B.P T Act dt 21-06-2023 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 defendant dt 31-01-2022 is disposed of on consent with the observation that no rent is lying due and payable by the defendant till June- 2023.

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

W/s filed by the defendant is within time and the same is accepted.

Fix. (**08.09.2023**).for framing of issues.

Dictated & corrected

by me

Chief Judge.

J.O .Code:- WB 01244.

