

EJECTMENT SUIT NO. :- 135 OF 2021
(CNR No. WBPS01-000268-2021)
(JO CODE No. WB01165)

Before Smt. P. Shukla, Ld. Judge, 2nd Bench.

Order no. - 32
Dt. 27.03.2025

Today is fixed for filing challans if any and final order in 7(2) matter.

Both parties filed hazira.

Ld. Advocate for the defendant filed a petition under Section 151 of CPC for recalling the order dated 31.01.2025.

Copy served.

By filing this petition, he prays to take sympathetic view towards the defendant and recall the order dated 31.01.2025 as the defendant is suffering from various decease.

Heard. Considered.

On perusal of the medical documents filed by defendant, it appears that the documents are prior to the year 2025. These documents are not relevant with the date of the order which is under challenge here.

The same prayer of the defendant is already considered and rejected by the said order dated 31.01.2025.

Hence, the petition under Section 151 of CPC filed by defendant is rejected at once.

Today is also fixed for filing final order in respect of the petition under Section 7(2) of W.B.P.T. Act.

Ld. Advocate for defendant prays for adjournment for not passing order today as he is unable to file the challans today as they are misplaced.

It is submitted by Ld. Advocate for defendant that if the order is not passed today the heaven will not fall.

Plaintiff raised strong objection.

On perusal of the record, it appears that by order dated 03.01.2025 it is already determine that defendant is defaulter in payment of rent and to determine the arrear of rent the defendant was given one last opportunity to file the relevant challans before final disposal of the petition under Section 7(2) of W.B.P.T. Act within seven days but it

has been more than two months and defendant has not filed any challans in compliance of the said order.

On perusal of the court deposits filed by the defendant earlier, it appears that defendant has filed the rent deposits from the month of March - 2017 to April - 2024 but at the time of scanning of court deposits, it appears that defendant has not filed the copy of the court deposits for the month of November - 2017, February - 2018, March - 2018, August - 2023 and February - 2024.

Defendant had denied the claim of the plaintiff that he is defaulter in payment of the rent since December - 1986 and submitted that he has deposited the rent in connection with Ejectment Suit no. 419 of 2016 till February - 2021 but defendant has not filed any document to corroborate that he is not defaulter in payment of the rent since December - 1986.

It also appears that the court deposits from the month of March - 2017 to February - 2021 are filed in Ejectment Suit No. 419 of 2016 and in this suit, the court deposits are filed from the month of March - 2021.

Defendant has not filed any court deposits after March - 2024.

Therefore, the defendant is considered defaulter in payment of rent since December, 1986 to February, 2017, November, 2017, February, 2018, March, 2018, August, 2023 and February, 2024 and after April - 2024 and till date at the rate of Rs.90/- per month.

Therefore the total period of default is 379 months and total amount payable is $379 \times 90 = \text{Rs. } 34,110/-$ along with 10% statutory interest i.e. total amount of Rs.37,521/- in total.

Hence, it is

ORDERED

that defendant is defaulter in payment of rent and he is directed to make total payment of due rent along with statutory interest within 30 days from the date of this order.

To 03.05.2025 for framing of issue and payment of cost of Rs. 15000/- by defendant.

D/C by me.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.