

Ejectment Suit:-167 of 2022.

[CNR No WBPS 01 000284 2022]

Before – Sonia Majumdar- Ld. Chief Judge_

Order No:-08.

25-04-2023.

Today is fixed for further hearing of the matter.

Parties file haziras. On call, parties are found present. The matter is taken up for hearing. It appears from Order dt 31-01-2023 that the matter was fixed for consideration of the petitions filed on behalf of the defendant no-1 & defendant no-3 together with consideration of service reports upon rest of the defendants. Defendant no-03 is directed to serve copy of his petition to the plaintiff and defendant no-1 and also for consideration of petition u/o-6 Rule 17 read with Section 151 of C.P.C filed by plaintiff and hearing of petition filed by defendant no-03 for acceptance of W/S as well as adoption of W/S so filed by defendant no-1 and by defendant no-3.

At the outset, the petition filed by the defendant no-1 u/s 7(1) of W.B.P T Act dated 30-08-2022 is taken up for hearing.

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

By filing the petition u/s 7(1) of W.B.P T Act, defendant no-01 has prayed for permission to deposit admitted arrears of rent with interest in respect of their tenancy in Court from the month of Baishak 1407 to Pous 1407 and current rent from Bhadra 1429 at the rate of Rs 125/- on the ground stated therein.

At the time of hearing , Ld. Advocate for defendant no-01 prayed for allowing the petition.

Ld. Advocate for the plaintiff also raised no objection.

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In the petition u/s 7(1) of W.B.P T Act , defendant no-01 admitted that he came to know about the suit from defendant no-3 on 19-08-2022 since no summons have been served upon him.

It appears that service upon the defendants have not been accepted as it reveals from order dt 17-06-2022. Defendant no-1 appeared in the suit on 30-08-2022 and filed petitions u/s 7(1) & 7(2) of W.B.P T Act on the self same date . So, the petition is within time . Unless, the petition is allowed, defendant no-1 shall suffer loss and injury.

Accordingly,

it is

Ordered

that the application filed U/s. 7(1) of W.B.P.T Act filed by the defendant no-1 dt 30-08-2022 is considered and allowed on contest.

Defendant no-01 is permitted to deposit /pay admitted arrears of rent with interest in respect of their tenancy in Court from the month of Baishak 1407 to Pous 1407 @Rs.125/- per month 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, and also current rent from Bhadra 1429 and thereafter month by month by 15th of each succeeding month at his own risk without prejudice to the right and contention of the parties as per law within 30 days from the date of this order.

To (**14-07-2023**) for consideration of the petitions filed on behalf of the defendant no-1 & defendant no-3 together with consideration of service reports upon rest of the defendants. Defendant no-03 is directed to serve copy of his petition to the plaintiff and defendant no-1 and also for consideration of petition u/o-6 Rule 17 read with Section 151 of C.P.C filed by plaintiff and hearing of petition filed by defendant no-03 for acceptance of W/S as well as adoption of W/S so filed by defendant no-1 and by defendant no-3.

Chief Judge.

J.O .Code:- WB 01128.

