

Ejectment Suit 133 of 2025.
[CNR NO WBPS01-000291-2025]

Before - Smt Jayashree Banerjee - Ld. Chief Judge.

05.

29/07/2025.

Today is fixed for hearing of petitions u/s 7(1) & 7(2) of W.B.P T Act filed by the defendants dated 25-07-2025 with further direction upon the defendants to file Written Statement within the prescribed period of limitation.

Parties file haziras.

Plaintiffs file Written Objections against the applications u/s 7(1) & 7(2) of W.B.P T Act filed by the defendants , copies served.

The petition u/s 7(1) of W.B.P T Act is taken up for hearing in presence of the parties.

It is submitted by the Ld. Counsel for the plaintiffs that the pleadings of the application u/s 7(1) of W.B.P T Act filed by the defendants are exactly the same as that of the pleadings of the application u/s 7(2) of W.B.P T Act.

Ld. Counsels for the plaintiffs also submitted

though it is the contention of the defendant that they intend to deposit the rent admitted by them as arrear at their own risk, yet it should be made clear by the Ld. Court that by allowing the application u/s 7(1) of W.B.P T Act will not epsofacto mean that whatever is pleaded by the defendant in the application u/s 7(1) of W.B.P T Act is admitted and allowed by the Court.

It is the further contention of the Ld. Counsel for the plaintiffs that the plaintiffs do not admit the pleadings of the defendant no-2 as regards payment of rent from the time it has mentioned in paragraph 4 of the application filed u/s 7(1) of W.B.P T Act.

In reply to the submissions as advanced by the Ld. Counsel appearing for the plaintiffs, it is submitted by the Ld. Counsel for the defendants that the defendants are making payment rather depositing admitted rent at their own risk. If it is found during the hearing of the application u/s 7(2) of W.B.P T Act that such deposits are bad deposits, then the defendants are ready to face the consequences that will follow as per law.

Having heard the the submissions of the Ld. Counsels for the parties, perusing the pleadings of the application u/s 7(1) of W.B.P T Act as well as the Written Objection that has been filed by the plaintiff today, this Court observes that the defendants are permitted to deposit the admitted rent but that does not mean the objections as raised by the plaintiffs are waived by the plaintiff and it is without prejudice to the objections raised by the plaintiffs as regard deposit of current rent by the defendants.

If during the hearing of the application u/s 7(2) of W.B.P T Act, the defendants fail to establish the fact that the rent that has been claimed by the the plaintiffs has not already been paid by the defendants, the

defendants will be held as defaulter and consequences shall follow thereafter as per law.

The defendants are agreeable to the fact that if they are not able to establish before the Court that they are not a defaulter from the that that has been claimed by the plaintiffs, they shall accept the consequences that will follow as per law.

Hence

it is

Ordered

that the defendants are permitted to deposit current rent month by month by the 15th of each succeeding month, subject to their establishing the fact before this Court during at the time of hearing of application u/s 7(2) of W.B.P T Act that they have not defaulted in payment of rent from the time that has been claimed by the plaintiffs.

The application u/s 7(1) of W.B.P T Act thus stands disposed of with the above condition and observations of the Court.

Fix **22/09/2025** for hearing of application u/s 7(2) of W.B.P T Act filed by the defendants dated 25-07-2025 with further direction upon the defendants to file Written Statement within the prescribed period of limitation.

Dictated & corrected

by me :-

Chief Judge.

J.O .Code:- WB 01049.