

Ejectment Suit 399 of 2025.
(CNR No. WBPS01-000747 -2025)

Before Smt Sutakuma Nag Ld. Chief Judge-in-Charge.

04.

01-04-2026.

Ld. Regular P.O is engaged in S.I.R duty vide the order of the Hon'ble Court.

Record is put up before me.

Today is fixed for hearing of petition u/s 7(1) & 7(2) of W.B.P T Act filed by the defendant dated 31/03/2026. w/o s if any in the mean time with further direction upon the defendant to file W/S within the prescribed period of limitation.

Plaintiff file hazira along with original two postal registration receipts affixed on it along with postal track report . Let the same be kept with the case record.

Plaintiff also files hand Written Objection against the Defendant's application u/s 7(1) of W.B.P T Act filed on 31-03-2026 along-with postal track report. Copy served. Let the same be kept with the case record.

Ld. Counsels for the contesting parties are present at the time of hearing.

The matter is taken up for hearing.

Ld. Advocate for the defendant moved the application u/s 7(1) of W.B.P T Act dt 31/03/2026 and submitted that no summons were ever served upon the defendant at any point of time , however, after getting information from a reliable source, the defendant has engaged a Ld. Advocate for searching as to whether the plaintiff has filed any Ejectment Suit against her or not and accordingly information slip was filed before the Court wherefrom the defendant came to know for the first time on 30-03-2026 that the plaintiff has filed an ejectment suit against her. Thereafter, on the very next date on 31-03-2026, the defendant has appeared in the suit and filed applications u/s 7(1) & 7(2) of W.B.PT Act. Therefore, the application u/s 7(1) of W.B.P T Act has been filed within time from the date of appearance and as such defendant may be permitted to deposit the admitted arrears of rent as well as current rent in respect of the suit premises in Court at her own risk in terms of the provisions u/s 7(1) of W.B.P T Act.

p.t.o.....

Against this, Ld. Advocate for the plaintiff raised vehement objection .

Relying on the postal track report, Ld. Advocate for the plaintiff argued that postal track report reveals that the postal article was received by the defendant at the alternative address of the defendant on 24/01/2026. He further submitted that the statutory time period of limitation for filing application u/s 7(1) of W.B.P T. Act is already over and the application cannot be allowed under any circumstances.

Heard both sides.

Perused the petition, its written objection and materials on record.

Considered.

So far date of receipt of summons by the defendant is concerned, in the application u/s 7(1) of W.B.P T Act dated 31/03/2026, in paragraph-01, the defendant has categorically contended that no summons were ever served upon her and after getting information from a reliable source, and subsequent filing of information slip before the Court, the defendant on 30-03-2026 for the first time came about the existence of the eviction suit filed against her.

However, the defendant has neither elaborated any details of such “reliable source of the defendant “ nor filed any evidences either oral or documentary to substantiate such claim of the defendant. Therefore, the same does not appear to be convincing .

On the other hand, the postal track report filed on behalf of the plaintiff shows that the postal article was delivered to the addressee, ie, the Defendant on 24-01-2026 at her alternative address (other than the suit premises). Bailiff report dated 19-01-2026 also goes to show that the defendant’s room (suit premises) was found closed under lock and key and the bailiff had affixed copy of summons on the front door of the defendant’s room. One postal envelope sent at the address of the suit premises also came back with postal endorsement- “Left.”

Be that as it may, Section 7(1) of W.B.P T Act states that :-

(1) (a) On a suit being instituted by the landlord for eviction on any of the grounds referred to in section-6, the tenant shall, subject to the provisions of sub-section-(2) of this Section, pay to the landlord or deposit with[the Civil Judge] all arrears of rent, calculated at the rate at which it was last paid and upto the end of the month previous to that in which the payment is made together with interest at the rate of ten per cent per annum.

(b) **Such payment or deposit shall be made within one month of the service of summons on the tenant** or, where he appears in the suit without the summons being served upon him, **within one month of his appearance.**

(c) The tenant shall thereafter continue to pay to the landlord or deposit with the Civil Judge month by month by the 15th of each succeeding month, a sum equivalent to the rent at that rate.

So from the language of the provision of Section 7(1) of W.B.P T Act, it is crystal clear that the tenant should have **deposited** current rent and admitted arrears of rent, if any **within one month** of service of summons or within one month from the date of appearance as the case may be.

In the present case, the date of appearance of the defendant in the suit cannot be taken into consideration since the postal track report as well as bailiff report coupled with the returned postal envelope speaks otherwise and reveals that the defendant has received summons at her alternative address on 24/01/2026.

Therefore, from the above discussions , it is clear that the defendant has failed to comply with the provision of Section 7(1) of W.B.P T Act within the time frame as prescribed under the Act.

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So, this Court finds no scope to entertain the instant application u/s 7(1) of W.B.P T Act filed by the defendant at this stage after the period of limitation is over and if the same is permitted , it would defeat the express provisions of statutory law.

Accordingly,

It is

Ordered

that the application u/s 7(1) of W.B.P T Act filed by the defendant dt 31/03/2026 is hereby considered and **Rejected** on contest but without cost.

Since it is apparent from the face of the record that the defendants has failed to comply in terms of Section 7(1) of W.B.P T Act, the petition u/s 7(2) of W. B.P. T Act filed by the defendant dt 31/03/2026 also has no legs to stand upon and thus the same also stands rejected and disposed of.

Therefore, provisions of Section 7(3) of W.B.P T Act shall be operative.

To (**21/04/2026**) .for further order with direction upon the defendant to file W/S so far permissible within the prescribed period under the Law.

Chief Judge-in-Charge.

J.O. Code WB 01248.

