

Ej. Suit No. 187 of 2024

WBPS01-000369-2024

Order No. 18

Dated 14.07.2026

Today is fixed for hearing of the applications u/s 7(2) and 7(3) of the West Bengal Premises Tenancy Act, 1997.

Parties are present by filing their respective haziras.

The defendant has filed an adjournment petition this day on the grounds stated in the petition.

It was also submitted by him that he has disputed the relationship of the landlord-tenant, hence, intends to adduce evidence for adjudication of the above issue.

The plaintiff has filed this suit for eviction against the defendant claiming himself to be the landlord in respect of the premises no. 100, Aurobinda Sarani, Kolkata – 700006 and has claimed that the defendant is a tenant under him.

Upon perusal of the written statement and application u/s 7(2) of the WBPT Act, 1997, it appears that the defendants have claimed Sudipa Dey, Sima Dutta and Mahadev Pal as their landlords and denied the plaintiff as their landlord. The defendant had again filed an application u/s 7(1) of the Act seeking permission to deposit the current rent month by month and the said application have been allowed by the Ld. Chief Judge, Presidency Small Cause Court, Calcutta vide order dated 09.01.2025. It is not known whether the said order is being complied or not. In the meantime an application u/s 7(3) of the Act has been filed by the plaintiff submitting that the defendants have not complied the provisions of Section 7(1) of the Act of depositing the arrear rent or admitted arrear rent within the time frame as provided by the statute. Hence, his defence should be struck off under Section 7(3) of the WBPT Act, 1997.

The defendant has filed the copy of the rent receipts. The printed rent receipt bears the name of Ashok Kumar Sadhukhan, Sudipa Dey, Sima Dutta and Mahadev Pal, as owners and landlords. The blank portion of the receipt is hand written showing Sudipa Dey receiving the rent for self and on behalf of Sima Dutta and Mahadev Pal in respect of the suit premises.

The fact that the rent receipt submitted by the defendants themselves shows the plaintiff as one of the owners and landlords establishes the relationship of landlord-tenant between the plaintiff and the defendants. Mere denying the relationship does not change the contents of the document submitted by the defendants themselves. Thus, there is no necessity of permitting the defendants to adduce evidence in connection with his application u/s 7(2) of the Act. Defendants are directed to come ready on the next day with all the challans and conduct the hearing of the application u/s 7(2) of the WBPT Act, 1997.

Fixing **05.08.2026** for hearing of the applications u/s 7(2) & 7(3) of the WBPT Act, 1997.

Dictated and corrected by me:

Judge

Smt. Gladys Bomjan

J.O. Code : 01039

Judge, 3rd Bench,

***Presidency Small Cause Court,
Calcutta.***