

EJECTMENT SUIT NO. 157 OF 2017  
C. N. R. NO. WBPS01-000387-2017  
Before Sri Sridhar Chandra Su, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 36 DATED 08.06.2022

Today is fixed for passing order of the petition under Sec.7(2) of the W. B. P. T. Act.

Both parties have filed their respective haziras.

The record is taken up for passing order.

It is submitted by the Id. Advocate for the defendant, through the petition under Sec.7(2) of the W. B. P. T. Act, that the defendant is the tenant prior to the purchase of the building by the plaintiff and after purchase of the premises, plaintiff collected rent upto the month of November 2011 and thereafter, as the plaintiff did not turn up to collect rent, defendant sent rent by money order which was duly refused and accordingly, defendant tried to deposit the admitted rent with the Ld. Rent Controller. Defendant also has denied the rate of rent and as such, stated that the plaintiff has no right to demand the alleged rate of rent. Defendant has accordingly prayed for determination of rate of rent and adjudicate the dues from the tenant.

On the other hand, though no written objection is filed by the plaintiff but Id. Advocate for the plaintiff has submitted that the defendant is a monthly tenant @ Rs.680/- including proportionate share of corporation tax of Rs.185/-. It is also stated that the Id. Advocate for the plaintiff that the defendant is a defaulter since December 2011.

Considering the submissions of Id. Advocates for both sides, the petition, the court deposit challans filed by the defendant and the materials on record, it appears that though the plaintiff has claimed that the rate of rent is Rs.680/- including proportionate share of corporation tax but no scrap of paper has been filed on behalf of the plaintiff in support of their claim. On the other hand, defendant has filed challans showing deposit of rent since September 2018 to November 2021 and December 2021 to March 2022 @ Rs.450/- p.m. No evidence is coming from the side of the plaintiff to rebut the claim of the defendant.

Accordingly, the petition under Sec.7(2) of the W. B. P. T. Act is disposed of on contest with the following observation:

That the defendant is a tenant under the plaintiff in respect of the suit premises at a monthly rental of Rs.450/- payable according to English calendar month.

Defendant is a defaulter in payment of rent since December 2011 to August 2018 in respect of the suit premises.

Defendant is directed to deposit a sum of Rs. 36450/-, calculated as arrear rent for 81 months from December 2011 to August 2018 along with statutory interest @ 10% p.a. within 30 days from the date of this order.

Defendant is also directed to go on depositing the current rent month by month within 15<sup>th</sup> day of each succeeding month.

Fix 15.07.2022 for filing challan by the defendant showing compliance of this order by the defendant and further order.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]  
J.O. Code No. WB-00-620.