

Ejectment Suit 230 of 2022.

[CNR No. WBPS01 -000389 -2022]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

10.

20-02-2024.

Today is fixed for hearing of petition filed u/s 7(2) of W.B.P T Act filed by the defendant dated 10-08-2022.

Plaintiff files haziras.

Defendant files hazira and challans as per firstly. Copy served. Let the same be kept with the case record.

On call Ld. Advocates for the parties are found present. The petition filed u/s 7(2) of W.B.P T Act dt 10-08-2022 is taken up for hearing together with its written objection filed by the plaintiff on 14-11-2022

Heard both sides, perused the petition and materials on record.

At the time of hearing, Ld Advocate for the defendant submits that all the rents have been properly deposited by the defendant and there is no due in payment of rent. Challans have been filed in Court by the defendant. He prayed for disposal of the petition.

Ld Advocate for the plaintiff submits that the plaintiffs have filed the instant suit mainly on the ground of reasonable requirement , therefore , the petition u/s 7(2) of W.B.P T Act may be disposed of at the earliest. He prayed for passing necessary order.

Heard both sides, perused the petition, its Written Objection, challans and materials on record. Considered.

Careful perusal of the plaint reveals that in page-03 paragraph 3(i) of the plaint, plaintiffs have alleged that the defendants to be defaulter in payment of rent since January 2019, whereas as the defendants have denied the same in their petition u/s 7(2) of W.B.P T Act.

p.t.o.....

It is admitted position of the parties that the rate of rent, and the relationship between the parties are not in dispute. The petition is also filed within time.

Defendant has filed documents and up to date challans till December-2023 wherefrom it reveals that after appearing in the suit, defendant has deposited the admitted arrears of rent with interest and current monthly rent regularly and prior to that period, rent has been deposited in the Office of Rent Controller by the defendants and to the plaintiffs by money order. The plaintiff has also not disputed such payment of rent made by the defendants.

If that be so, then the petition filed by the defendants/tenants u/s 7(2) of W.B.P T Act can be disposed of on contest.

Accordingly,

it is ,

Ordered

that the petition u/s 7(2) of W.B.P T Act filed by the defendants dt 10-08-2022 is disposed of on contest with the observation that no rent is lying due and payable by the defendants till December- 2023.

Defendant are directed to go on depositing current rent month by month by the 15th of each succeeding month as per law.

W/s filed by the defendant was accepted on 24-01-2023.

Accordingly, let the case be **transferred** to the Court of Ld Judge **2nd Bench**, Presidency Small Cause for disposal. Parties are directed to appear before the transferee Court on (**02-05-2024**)

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.