

EJECTMENT SUIT NO. :- 168 OF 2017
(CNR No. WBPS01-000420-2017)
(JO CODE No. WB01165)

Before Smt. P. Shukla, Ld. Judge, 2nd Bench.

Order no. - 42
Dt. 14.01.2025

Today is fixed for hearing of petition under Section 7(2) of W.B.P.T. Act and payment of cost.

Both sides filed hazira.

Heard the petition under Section 7(2) of W.B.P.T. Act.

Ld. Advocate for defendant submitted that plaintiff refused to accept the rent then defendant no. 1 is depositing the rent before Rent Controller from July, 2013 to August, 2018 and since September, 2018 till date before the court.

So, defendant is not defaulter in payment of rent and praying before this court to determine arrears of rent and permission to deposit the same.

Plaintiff raised strong objection and submitted that defendant is in-default of payment rent since January, 2013.

Plaintiff denied and disputed the contents of this petition and prays for dismissal of the petition.

Heard. Considered.

Perused the entire documents available on the case record.

It appears that defendant has paid the rent deposit and thereafter, court deposit from the month of January, 2013 to December, 2024 but on inspection of those challans and court deposits filed by defendant, it transpires that defendant has not filed any document relating to deposit for the month of January, 2015 to November, 2015.

Thus, the defendant is defaulter in payment of rent for the period of eleven months at the rate of Rs.430/- per month.

Defendant is directed to pay the arrear of rent for these eleven months at the rate of Rs.430/- per month along with 10% interest on the total of arrear of rent within one month from the date of this order.

Later, the petition dated 13.12.2024 filed by defendant to waive the cost of Rs.5000/- is heard from both sides.

Perused the case record and Xerox copy of the death certificate.

It appears that the person concerned died on 12.07.2024 why the cost order was passed by order dated 24.09.2024 and after considering all the aspects and also earlier adjournments sought by the defendant.

The court do not find any relevancy of this death certificate with the order concerned.

The court is not inclined to allow this petition and waive the cost.

The defendant is directed to make payment of cost to the plaintiff as per order dated 24.09.2024 on the next date positively.

To 01.02.2025 for framing of issue.

Sd/-
Judge-in-charge, Bench - II,
P.S.C. Court, Calcutta.