

EJ 280/14

6321/14

Order no.24 dt.14/12/18

*Parties file hazira.*

*Today is fixed for orders in connection with petitions u/s 7 (2) of W.B.P.T. ACT and 7 (3) of W.B.P.T. ACT.*

*Both are taken together for disposal.*

*Plaintiff has filed this suit for eviction of the defendant on various ground and one such ground is default in payment of rent since January, 2001 @ Rs.126.50/- per month.*

*The defendant contested this suit and filed the petitions u/s 7 (2) of W.B.P.T. ACT stating that the defendant approached the plaintiff to accept the rent on and from January, 2001 but the plaintiff received the rent without issuing receipts.*

*Defendant could not show of any document in support of his claim as well as any complaint made for non-issue of receipt. It appears from record that defendant has not filed any document even to show that he is paying current rent. As such defendant is a defaulter from January, 2001 to December, 2018 that is a period of 18 years which equals to 216 months. At the rate of 126.50 the arrears amount to Rs.27324/-. The defendant is found to be a defaulter for a period of 18 years.*

*Since the defendant has not even complied with the direction of this Court to deposit current rent as per order no.3 dt.24/07/14, defence of defendant is struck out and 05/02/18 is fixed for issues.*

*The Petitions u/s 7 (2) of W.B.P.T. ACT is disposed of and the petition u/s 7 (3) is allowed.*

*D/C by me*

*Judge, 4<sup>th</sup> Bench*

*Judge*

