

Ejectment Suit 200 of 2023.

[CNR WBPS01 000433 2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-05.

01-12-2023.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant dated 29-08-2023 with direction upon the defendant to file Written Statement within the prescribed period of limitation.

Record reveals that on the strength of a put up petition, defendant has already filed W/S on 16-10-2023.

Both parties file haziras. Plaintiff files a petition u/o-39 Rule 7 read with Section 151 of C.P Code on the ground stated therein. Copy served.

Defendant files challans and statement of accounts .

Parties are found on call.

The petition u/s 7(2) of W.B.P T Act filed by the defendant dated 29-08-2023 is taken up for hearing.

Heard both sides. Perused the petition, challans and materials on record.

Considered.

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 and other documents have been filed in Court by the defendant.

On the other hand, Ld Advocate for the plaintiff, after inspecting the challans filed by the defendant, submitted that the plaintiff is satisfied that all the deposits are correct and regular and rents have been paid properly by the defendant . He prayed for disposal of the petition u/s 7(2) of W.B.P. T Act.

contd.....

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(contd.....)

01-12-2023.

Careful perusal of the plaint reveals that the plaintiff has not alleged the defendant to be defaulter in payment of rent ,whereas in the petition u/s 7(2) of W.B.P T Act dt 02-09-2022, defendant has denied the same, contending inter alia that plaintiffs received rent up to April 2023 and after appearing in the suit, defendants have deposited all the arrears of rent and is depositing current rent regularly.

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 up to date challans till September- 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. The plaintiff has not disputed the payment of rent made by the defendant.

If that be so, then the petition filed by the defendant/tenant 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 defendant dt 29-08-2023 is disposed of on contest with the observation that no rent is lying due and payable by the defendant till September- 2023.

Defendant is 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 is within time and accepted.

p.t.o.....

Accordingly, fix (**22-01-2024**) for hearing of petition u/o-39 Rule 7 read with Section 151 of C.P Code filed by the plaintiff dt 01-12-2023, w/o if any in the meantime.

Dictated & corrected

by me

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.