

Ejectment Suit 305 of 2024.

[CNR No. WBPS01-000616-2024]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-03.

03/01/2025.

Record is put up today on the strength of put up petitions filed by the respective parties.

The defendants along with their put up petition have filed vakalatnama along with three separate petitions, u/s 7(1) & 7(2) of W.B.P T Act read with Section 151 of C.P Code and another petition praying for time for filing Written statement on the ground stated therein. Copies served.

On the other hand, plaintiffs along with their put up petition have filed an application u/o-39 Rule 7 read with Section 151 of C.P Code praying for appointment of Advocate Commissioner for local inspection of the suit premises on the ground stated therein. Copy served.

Plaintiff also files two original postal registration receipts, postal track report and photocopy of documents by phristy. Let the same be kept with the case record.

Parties are found present.

The matter is taken up for hearing.

Ld. Advocate for the defendant submitted that the defendant's petition u/s-7(1) of W.B.P T Act read with Section 151 of C.P Code may be allowed and the defendant may be permitted to deposit current rent in respect of the suit premises in Court. Regarding the plaintiff's petition filed u/o- 39 Rule 7 of C.P Code, she prayed for time for filing Written Objection.

Ld. Advocate for the plaintiff raised no objection. He however verbally prayed for time for filing W/O against the petition u/s 7(2) of W.B.P T Act filed by the defendant.

Heard submissions from the parties.

Perused the case petitions as well as materials on record.

Considered.

From careful study of the service reports, it appears that the petition u/s 7(1) of W.B.P T Act is within time and unless the same is allowed, defendants shall suffer loss and injury. Besides, the plaintiff shall not be prejudiced in any way if the same is allowed.

Accordingly,

it is,

Ordered

that the application u/s 7(1) of W.B.P.T Act filed by the defendants dt 03/01/2025 is allowed on consent.

The defendants are at liberty to pay / deposit current rent month by month by 15th of each succeeding month at their own risk

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(contd.....)

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within the time frame as specified under the law without prejudice to the right and contention of the parties commencing from the month of December- 2024.

Prayer for time for filing W/S by the defendant today is also considered and allowed.

To-date (**17/01/2025**) for hearing of petition u/s 7(2) of W.B.P T Act read with Section 151 C.P.C filed by the defendant dt 03/01/2025, w/o if any in the mean time by the plaintiff and also for consideration of petition u/o-39 Rule 7 read with Section 151 of C.P.C filed by the plaintiff, w/o if any by the defendant in the mean time with further direction upon the defendant to file Written statement within the prescribed period of limitation.

Dictated & corrected

by me :-

Chief Judge.

J.O .Code:- WB 01244.