

Ejectment Suit 271 of 2023 .

[CNR WBPS01 000472 2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-09.

08-09-2023.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant dated 17-09-2022 and inspection of challans. To date is also fixed for hearing of petition u/o-39 Rule 7 read with Section 151 of C.P.C filed by the plaintiff dt21-06-2023.

Plaintiff files hazira. Defendant files a petition U/o-7 Rule 11 of C.P.C on the ground stated therein . Copy served. Objection endorsed.

On call, parties are found present through their respective Ld. Advocates.

The matter is taken up for hearing.

Ld. Advocates for the parties jointly submitted that first the petition u/s 7(2) of W.B.P T Act filed by the defendant dated 17-09-2022 should be taken up for consideration and thereafter the petition U/o-7 Rule 11 of C.P.C defendant wherein the defendant has prayed for dismissal of the suit may be disposed of and depending the fate of the petition of the defendant U/o-7 Rule 11 of C.P.C, the petition filed u/o-39 Rule 7 read with Section 151 of C.P.C filed by the plaintiff dt21-06-2023 should be taken into consideration.

Heard submissions from the parties. Perused the materials on record.

Considering the submissions of the parties, the petition u/s 7(2) of W.B.P T Act filed by the defendant dated 17-09-2022 is taken up for consideration.

Heard both sides. Perused the 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

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(contd.....)

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

Upon careful scrutiny of the record reveals that Vide Order No-04 dated 01-11-2022, my predecessor-in-Office has already allowed the petition u/s 7(2) of W.B.P T Act filed by the defendant on the consent of the plaintiff - subject to condition that the defendant shall strictly comply with the provision u/s 7(1) of W.B.P T Act and shall file documents showing payment of arrear and current rent.

Record further reveals that in the plaint, plaintiff has not taken the ground of defaulter in payment of rent as ground for eviction of the defendant.

From the challans filed by the defendant , it appears that after appearing in the suit, defendant has deposited the admitted arrears of rent and are depositing current rent month by month regularly up to June 2023. Plaintiff has not disputed such deposit of rent or contradicted with the validity of the challans. Therefore, this Court finds that the defendant has complied with the provisions of u/s 7(1) of W.B.P T Act as well Order of the Court dated 01/11/2022.

W/S has already filed by the defendant which has been accepted the Court as it appears from Order no -07 dated 03-04-2023.

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Accordingly, let the case record be **transferred** to the Court of Ld. Judge, **2nd Bench**, P.S.C Court, Calcutta for disposal. Parties are directed to appear before the transferee Court .

To (**28-11-2023**) for appearance of the parties before the transferee Court.

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.