

Ej. Suit No. 300 of 2025
CNR No. WBPS01-000575-2025

Order No: 11
19.05.2026

Today is fixed for inspection of challans by the plaintiff and further hearing of the petition under Section 7(2) of the WBPT Act, 1997 filed by the defendant dated 25.11.2025 and consideration of acceptance of written statement.

Parties are present by filing haziras.

The plaintiff has alleged that the defendant is a defaulter in payment of from the month of March, 2018 @ Rs. 60/- per month.

The contention of the defendant is that upon entering in the suit he filed an application u/s 7(1) of the WBPT Act, 1997 and deposited the arrear rent from the month of May, 2025 to October, 2025 along with 10% interest and at the same time he started depositing the current rent from the month of November 2025. He has not disputed the rate of rent i.e. Rs. 60/- per month. In his application u/s 7(1) of the Act he has stated that in a suit being Ejectment Suit No. 311 of 2024 filed by the plaintiffs prior to this suit, he deposited the arrear rent for the month from January, 2019 to December 2024 along with the interest and also deposited the monthly rent from the month of January 2025 to April 2025 in the Court in view of the order of the Ld. Court passed in the Ejectment Suit vide order dated 30.01.2025.

The defendant has deposited the court deposit challans in connection with the Ejectment Suit No. 311 of 2024 wherein it appears that he has deposited the arrear rent from the month of January, 2019 to December, 2024 along with the monthly rent from January 2025 to April 2025. He has filed the court deposit challans in respect of the present Ejectment suit showing deposit of the arrear rent from the month of May, 2025 to October, 2025 and current rent from the month of November 2025 till April 2026.

The plaintiff at this stage raised the point of the defendant being a subsequent defaulter. He said that having obtained the relief earlier he has again made another default in payment of rent, so he is not entitled to any protection in view of the Section 7(4) of the West Bengal Premises Tenancy Act, 1997.

The Ld. Advocate for the parties submitted that regarding the issue of whether the defendant is a subsequent defaulter or not, let the matter remain open for discussion and consideration at the time of the final disposal of the suit and the application u/s 7(2) of the WBPT Act, 1997 may be disposed of at present.

The landlord/tenant relationship in between the plaintiff and defendant has not been disputed nor the rate of rent hence, both the points established.

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Hence, it is,

O R D E R E D,

The defendant is held not to be a defaulter in payment of rent since March, 2018.

That the petition u/s 7(2) of W.B.P.T. Act, 1997 is accordingly disposed of.

The issue regarding whether the defendant is a subsequent defaulter or not and whether he is not entitled to any protection for contravening the proviso to Section 7(4) of the Act is kept open for discussion and consideration at the time of final disposal of the suit as per the submission of the respective parties.

The defendant is directed to keep on paying the monthly rent as already directed by this Court in terms of order passed u/s 7(1) of WBPT Act, 1997.

The written statement filed by the defendant is considered and accepted.

Fixing **12.06.2026** for framing of issues.

Dictated and corrected by me:

Judge

Smt. Glady Bomjan
J.O. Code : 01039
Judge, 3rd Bench,
Presidency Small Cause Court, Calcutta.