

Ejectment suit 219 of 2019
(CNR No. WBPS01-000595-2019)

Before Shri. Ashutosh Kumar Singh, Ld. Chief Judge

31.

13-09-2023.

Today is fixed for hearing of petition u/s 7(1) & 7(2) of W.B.P.T. Act and consideration of acceptance of written statement by the defendant on 24-07-2023.

Plaintiff files hazira.

Defendant files hazira along with a petition u/s 151 of C.P.Code, on the grounds stated therein. Copy not served but attached.

On call Ld. Advocates for the parties are found present.

The petition u/s 7(1) of W.B.P.T. Act is taken up for hearing.

Heard Ld. Advocates for both parties.

Perused the petition and materials on record. Considered.

By the instant petition, defendant has prayed for permission to deposit the admitted arrear of rent as well as current rent commencing from January, 2023 as per law on the grounds stated therein.

The petition is within time and also formal in nature. Unless the same is allowed, defendant shall suffer loss and injury. Besides, the plaintiff shall not be prejudiced in any way if, the same is allowed.

Hence,

it is

Ordered

that the petition u/s 7(1) of W.B.P.T. Act filed by the defendant is allowed.

Defendant is hereby permitted to pay / deposit the admitted arrear of rent calculated at the rate at which it was last paid and up to the end of the month previous to that in which the payment is made together with interest @ 10% p.a., if any within 30 days from the date of this order.

Defendant is further at liberty to pay / deposit the current rent commencing from January, 2023 and there after month by month by 15th of each succeeding month at his own risk without prejudice to the right and contentions of the parties in accordance with law.

Fix 24-11-2023 for hearing of petition u/s 7(2) of W.B.P.T. Act, w/o if any in the meantime and consideration of acceptance of written statement by the defendant on 24-07-2023 together with consideration of petition u/s 151 of C.P.Code filed by the defendant this day. Defendant is directed to serve copy of the petition u/s 151 of C.P.Code to the plaintiff in the meantime.

Dictated & Corrected
by me

Chief Judge

Chief Judge
J.O. Code WB 01244