

Ejectment Suit 219 of 2019.  
[ CNR No. WBPS01 000595-2019]  
Before - Ashutosh Kumar Singh- Ld. Chief Judge.

36.

13-08-2024.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act dt 31-01-2023 filed by the defendant and consideration of W/S filed by the defendant on 24-07-2023 together with consideration of petition u/s 151 of C.P.C filed by the defendant dt 13-09-2023 praying for acceptance of Written Statement and hearing of petition u/o- 39 Rule 7 dt 06-05-2024 filed by the plaintiff , w/o if any in the mean time.

Parties file haziras.

Defendant files three number of original Court deposit challans by phristy. Let the same be kept in the case record.

Parties also file a joint statement of accounts. Let the same be kept with the case record.

On call, parties are found present. The matter is taken up for hearing.

Heard both sides. Perused the petitions, its written objections as well as materials on record.

Considered.

Ld. Advocates for the contesting parties submitted that the parties have submitted a joint statement of accounts regarding the arrears of rent . Therefore, the petition u/s 7(2) of W.B.P T Act may be disposed of on the basis of the joint statements of accounts.

It is further submitted by the Ld. Advocate for the plaintiff that the W/S filed by the defendant may also be accepted but subject to payment of cost and matter may be laid before any regular Bench for hearing.

Heard submissions from the parties.

So far petition u/s 7(2) of W.B.P T Act filed by the defendant dt 13-09-2023 is concerned, plaintiff has filed W/O against the same on 08-05-2024.

Careful perusal of the plaint reveals that in page-04 paragraph 7(A)) of the plaint, plaintiff has alleged that the defendants to be

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defaulter in payment of rent since September-2017 whereas as in the petition u/s-7(2) of W.B.P T Act, the defendant has prayed for adjudication of relationship between the parties as landlord and tenant and deterioration of arrears of rent, if any.

From the joint statement of accounts filed by the parties, it appears that both parties are agreed on the point that there is no document showing payment deposit of rent for months of September & November 2019, April 2021 and July, August and September 2022, in total for six months. *The rate of rent is undisputed being Rs 1,000-* payable according to English calendar.

The petition is also filed within time.

Defendant has filed documents and up to date challans till June 2024 wherefrom it reveals that after appearing in the suit, defendant has deposited the admitted arrears of rent with interest and current monthly rent .

The plaintiff has also not disputed the payment of rent made by the defendant, excepting those six months.

Therefore, in such attending facts and circumstances, this Court finds that 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 31-01-2023 is disposed of on contest on the basis of the joint statement of accounts filed by the parties with observation that rent is due and

p.t.o.....

payable from the defendant for six months for the months of September & November 2019, April 2021 and July, August and September 2022, in total for six months amounting to Rs 6,000/- and applicable statutory interest @ 10 % per annum amounting Rs 600/-, in total Rs 6,600/-, which the defendant is required to pay/ deposit the aforesaid arrears of rent at a time within one month from the date of this order .

Defendant are directed to go on depositing current rent month by month by the 15<sup>th</sup> of each succeeding month as per law.

So far the petition u/s 151 of C. P. C filed by the defendant dt 13-09-2023 praying for acceptance of W/S is concerned, the same also stands allowed for ends of justice otherwise the defendant will be non-suited but subject to payment of **cost of Rs 1,000/-** payable by the defendant to the plaintiff.

W/S is accepted.

Since the matter has become contested, let the case be transferred to the Court of Ld. Judge **4 th Bench, Presidency Small Cause Court** for disposal. Parties are directed to appear before the transferee Court on **( 26-09 -2024 )**

All other interlocutory applications shall be disposed of by the Trial Court.

Dictated & corrected

by me :-

Chief Judge.  
J.O .Code:- WB 01244.

