

EJECTMENT SUIT NO:- 365/2012

Order No-56

Dt. 01.09.2018

Both parties filed hazira.

Today is fixed for hearing of the petition filed under Section 151 of CPC by the defendant.

Heard Ld. Advocates for both the parties.

Perused the petition, written objection and materials on record.

On perusal, I find that the defendant has stated that the petition under Section 7(2) of W. B. P. T. Act was disposed of on 20.11.2017 directing the defendant to deposit the arrear of amount of Rs.17,160/- along with statutory interest by 30 days. But the defendant due to some financial difficulties could not deposit the same within that specified period. Now the defendant has come out with this petition for extension of time to deposit the same. The plaintiff objected the prayer by stating that the defendant has come out after a long period of time and this court has no jurisdiction to extend the same.

The Ld. Advocate for the defendant relied on a decision referred in 2015(4) CHN (CAL) 699 and submitted that this court has ample power to extend the same.

In my view and according to the Provisions of the Act, the defendant should get an opportunity to deposit the said arrear of rent within a period of 30 days for ends of justice.

Hence, it is

ORDERED

that the petition under Section 151 of CPC is hereby allowed on contest upon cost of Rs.2000/-. The defendant is directed to deposit the said arrear of amount along with statutory interest till date within 30 days from the date of this order and also the said cost failing to which the defense of the defendant against delivery of possession is liable to be struck out.

Thus, the petition under Section 7(3) of W. B. P. T. Act is hereby disposed of.

To 09.10.2018 for framing of issues.

Judge, 2nd Bench
P.S.C. Court, Kolkata.