

**EJECTMENT SUIT NO. :- 365 OF 2012**  
**(CNR No. WBPS01-000613-2012)**  
**(JO CODE No. WB01165)**

**Before Smt. P. Shukla, Ld. Judge, 2nd Bench.**

Order no. - 112

Dt. 04.02.2026

Today is fixed for order.

Both parties file hazira.

Heard the petition under Section 7(3) of the W.B.P.T. Act filed by plaintiff.

It is submitted by Ld. Advocate for plaintiff that application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 was heard and by an order dated 28th May, 2019 Learned Court held that defendant is defaulter in payment of rent since December, 2000 to May, 2019 for 222 months @ Rs.75/- per month totaling Rs.16,650/- along with statutory interest at the rate of 10% of Rs.1,665/- aggregating to Rs.18,315/- but the defendant has not yet deposited the rent as per the order dated 28th May, 2019 passed by this Learned Court.

Plaintiffs submitted that the defendant has failed to comply with the order dated 28th May, 2019 passed by this Learned Court, as such the defense of the defendant against delivery of possession be struck out.

Defendant raised strong objection.

Heard. Considered.

Perused the rent receipt and challans filed by the defendant, it appears that defendant has neither complied the order No. 12 dated 13.01.2014 under Section 7(1) of W.B.P.T. Act nor the Order No. 60 dated 28.05.2019 under Section 7(2) of W.B.P.T. Act till date.

It is settled law that defendant have to deposit the arrear rent within one month from the date of receiving summon, but the said statutory requirement is not complied by the defendant.

Therefore, defendant is defaulter for not complying the Order under Section 7(1) and 7(2) of W.B.P.T. Act till date and defendant is not entitled to get protection under Section 7(4) of the W.B.P.T. Act.

Hence, it is

**ORDERED**

That the petition under Section 7(3) is allowed on contest without any order as to cost.

The defense of the defendant is struck out.

To 06.03.2026 for framing of issue.

D/C by me.

Sd/-

Judge, Bench - II,  
P.S.C. Court, Calcutta.

Sd/-

Judge, Bench - II,  
P.S.C. Court, Calcutta.