

Ejectment Suit 328 of 2024
(CNR No. WBPS01-000667-2024)
Before Smt. Jayashree Banerjee, Ld. Chief Judge

07

21-06-2025.

Today is fixed for hearing of petition u/s 7(2) of W.B.P T Act, w/o if any in the mean time with further direction upon the defendant to file Written Statement within the prescribed period of limitation.

Record reveals that on on 11-06-2025 defendant had filed W/S after service of copy the strength of a put up petition.

Both parties file hazira.

Plaintiff files an application u/o- 39 Rule 7 of C.P Code praying for appointment of a Ld. Advocate as Commissioner for holding inspection of the suit premises on the ground stated therein. Copy served.

Defendant files five Court deposit challans in original and one photocopy of Court deposit challan for the month of June, 2025 by phristy. Copy served.

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

The petition u/s -7(2) of W.B.P.T. Act filed by the defendant on 14-02--2025 is taken up for hearing.

At the time of hearing, Ld Counsel appearing for the defendant submitted that after appearance in the suit, all the rents have been properly deposited by the defendant and there is no due in payment of rent. Challans have been filed in Court by the defendant. He submitted that the the petition u/s 7(2) of W.B.P.T. Act may be allowed.

On the other hand, Ld Counsel appearing for the plaintiff submitted after inspecting the challans filed by the defendant, the plaintiff is satisfied that all the deposits are correct and regular and rents have been paid properly by the defendant. He also prayed for disposal of the petition u/s 7(2) of W.B.P.T. Act.

Heard Ld. Advocates for both sides.

Perused the petition, Court deposit challans as well as materials on record.

Record reveals that in page-2, paragraph- 03 of the plaint, plaintiff has alleged the defendant to be defaulter in payment of rent since the month of November, 2016 whereas in the petition u/s 7(2) of W.B.P.T Act dt 14-02-2025, defendants have denied the same.

However, it is admitted by of the parties that the rate of rent, extent of tenancy and the relationship between the parties are not in dispute. The petition is also within time. Defendant has filed up to date challans till June, 2025 wherefrom it reveals that after appearing in the suit, defendant has deposited the admitted arrears of rent with interest and current monthly rent regularly. The plaintiff has not disputed such payment of rent made by the defendant.

In the given circumstances, this Court finds that the petition filed by the defendant/tenant u/s 7(2) of W.B.P.T. Act dt 14-02-2025 can be disposed of on consent.

Accordingly,

it is,

Ordered

that the petition u/s 7(2) of W.B.P.T. Act filed by the defendant dt 14-02-2025 is disposed of on consent with the observation that no rent is lying due and payable by the defendant till June, 2025.

Defendant is directed to go on depositing current rent month by month by the 15th of each succeeding month as per law.

Written statement filed by the defendant on 11-06-2025 is within the prescribed period of limitation.

Hence, written statement filed by the defendant on 11-06-2025 is accepted and the same be kept in the case record.

Fix 06-08-2025 for hearing of application filed by the plaintiff u/o- 39 Rule 7 of C.P Code dated 21-06-2025, w/o if any in the mean time.

Dictated & Corrected
by me

Chief Judge

Chief Judge
J.O. Code WB 01049