

EJECTION SUIT NO. :- 330 OF 2024
(CNR No. WBPS01-000669-2024)
(JO CODE No. WB01165)
Before Smt. P. Shukla, Ld. Judge, 2nd Bench.

Order no. - 12
Dt. 17.01.2026

Today is fixed for passing order in respect of petition dated 14.05.2025.

Both parties filed hazira.

Heard the Ld. Advocate for defendant who submitted that by order dated 10.04.2025 the applications of defendants under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act was rejected and the suit is filed for exparte hearing.

The defendant filed the written statement on 14.05.2025 to contest the suit.

The defendant prays to accept the written statement and remove the record from exparte board and to proceed the suit on regular manner.

Plaintiff raised strong objection and submitted that by rejecting 7(1) and 7(2) applications the defence of the defendant is struck out and thus this written statement should not be accepted.

Heard. Considered.

Perused the entire document available on the case record.

On perusal of the record, it appears that the summon was served on 18.02.2025 upon the defendant and defendant has filed written statement on 14.05.2025.

The statutory period for written statement in civil suit is generally 30 days extendable upto a period of 120 days from the date of service of summon.

The written statement is filed within 120 days but beyond the period of 30 days.

The court is inclined to accept the written statement of the defendant for the proper adjudication of the suit.

It also appears that the petition of the defendant under Sections 7(1) and 7(2) of West Bengal Premises Tenancy Act by order no. 5 dated 10.04.2025 is already rejected but defendant can contest the suit by filing written statement.

Hence, it is

ORDERED

That the written statement of the defendant is accepted with a cost of Rs.1000/- by the defendant to the plaintiff.

To 05.03.2026 for payment of cost of Rs.1000/- by the defendant to the plaintiff and framing of issues.

D/C by me.

Sd/-

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

Sd/-

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P.S.C. Court, Calcutta.