

EJECTMENT SUIT NO. 35 OF 2021
C. N. R. NO. WBPS01-000058-2021
Before Sri Sridhar Chandra Su, Ld. Judge, 5th Bench.

ORDER NO. 11 DATED 04.05.2022

Today is fixed for hearing of the petition under Sec.7(2) of the W. B. P. T. Act.

Both parties have filed their respective haziras.

Defendant has filed documents by firisti.

Ld. Advocates for both sides are present.

The record is taken up for hearing the petition under Sec.7(2) of the W. B. P. T. Act.

Heard ld. Advocates for both sides.

Perused the petition and the materials on record.

Ld. Advocate for the defendant has submitted that the defendant is a defaulter in payment of rent since January 2012. Rate of rent is Rs.175/- p.m. payable according to English calendar month. It is further submitted that the defendant has been depositing the rent since March 2021 till now.

Ld. Advocate for the plaintiff has submitted that the defendant has not complied with the provision of Sec.7(1)(a) of the W. B. P. T. Act and as such, the petition under Sec.7(2) of the W. B. P. T. Act is liable to be rejected. In support of his contention, he has referred to the citations of Calcutta High Court reported in 2021(2) I.C.C. 286 (cAL) and 2020(1) I.C.C. 664 (S.C.). Relying upon those decisions, ld. Advocate submitted that the defendant did not follow the provision of Sec.7(1)(a) of the Act and the petition filed by the defendant under Sec.7(2) of the Act will be dismissed.

On the basis of above submissions of ld. Advocates for both sides along with legal provision of Sec.7(1)(a) of the Act, where the defendant did not comply the above mentioned provision of law, at this stage, there is no scope to entertain the application under Sec.7(2) of the W. B. P. T. Act.

Hence, the petition under Sec.7(2) of the W. B. P. T. Act filed by the defendant is disposed of on contest.

Defendant has filed one petition praying for time for filing written statement.

Prayer for time for filing written statement is allowed.

Fix 28.06.2022 for filing Written Statement **as a last chance**.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]
J.O. Code No. WB-00-620.