

Ejectment suit 338 of 2023  
(CNR No. WBPS01-000690-2023)

Before Shri. Ashutosh Kumar Singh, Ld. Chief Judge

04.

16-01-2024.

Today is fixed for S/R, A/D and Appearance.

Record reveals that on 11-01-2024 defendant appeared in this suit and filed petitions u/s 7(1) & 7(2) of W.B.P.T. Act on the strength of put up petition.

Plaintiff files hazira.

Defendant files hazira along with supplementary affidavit in connection with petition u/s 7(1) of W.B.P.T. Act and another petition praying for time for filing written statement on the grounds stated therein. Copies served.

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

Today Ld. Advocate for the plaintiff received copies of the petitions u/s 7(1) & 7(2) of W.B.P.T. Act after endorsement.

The petition u/s 7(1) of W.B.P.T. Act and supplementary affidavit are taken up for hearing.

Heard Ld. Advocates for the parties. Perused the petition u/s 7(1) of W.B.P.T. Act, supplementary affidavit in connection with petition u/s 7(1) of W.B.P.T. Act and materials on record. Considered.

By the instant petition, defendant has prayed for permission to deposit the current rent commencing from December, 2023. It also appears from the supplementary affidavit in connection with petition u/s 7(1) of W.B.P.T. Act that the defendant has also prayed for permission to deposit the admitted arrears of rent as per law on the grounds stated therein.

The petition is within time and also formal in nature. Unless the same is allowed, defendant shall suffer loss and injury. Besides, the plaintiff shall not be prejudiced in any way if, the same is allowed.

Hence,

it is

Ordered

that the petition u/s 7(1) of W.B.P.T. Act filed by the defendant is allowed.

Defendant is hereby permitted to pay / deposit the admitted arrear of rent calculated at the rate at which it was last paid and up to the end of the month previous to that in which the payment is made together with interest @ 10% p.a., if any within one month from the date of this order.

Defendant is further at liberty to pay / deposit the current rent commencing from December, 2023 and there after month by month by 15<sup>th</sup> of each succeeding month at his own risk without prejudice to the right and contentions of the parties in accordance with law.

Prayer for time for filing written statement is considered and allowed.

Fix 14-03-2024 for hearing of petition u/s 7(2) of W.B.P.T. Act, w/o if any in the meantime. Defendant is at liberty to file written statement within the prescribed period of limitation.

Dictated & Corrected

by me

Chief Judge

Chief Judge  
J.O. Code WB 01244