

Ejectment Suit 410 of 2025.  
(CNR No. WBPS01-000773 -2025)  
Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

04.

05-03-2026.

Parties file haziras.

Plaintiffs file postal original postal registration receipt affixed on a conquest sheet as well as downloaded copy of postal track report.

Today is fixed for clarification from the parties regarding the date of service of summons.

It appears from Order No-03 dated 02/03/2026, that on that day, the defendant appeared in the suit through his Ld. Advocate by filing vakalatnama along with applications u/s 7(1) & 7(2) of W.B.P T Act and at the time of disposal of the application u/s 7(1) of W.B.P T Act ,upon careful scrutiny of the case record , it was found that as per bailiff report, summons have been received by the son of the defendant on 07-01-2026 and in the petition, the defendant has affirmed that he has received summons on 06/02/2026, sinice the two facts are contradictory to each other, the matter has been fixed today for clarification from both the parties.

Today Ld. Advocates for both sides are found present at the time of hearing.

Ld. Advocate for the plaintiffs submitted that as per postal track report filed by the plaintiff today, summons have been received by the defendant on 08/01/2026, therefore the application u/s 7(1) of W.B.P T Act is time barred and is liable to be rejected.

Ld. Advocate appearing for the defendant Mrs. Soma Mukhopadhyay candidly submitted that after enquiry from the defendant, she has come to know that summons were indeed received on behalf of the defendant on 07/01/2026 as per bailiff report. She prayed for passing necessary order.

Heard submissions from the parties.

Perused the petition, bailiff report, postal track report and materials on record.

Considered.

A plain reading of provision of Section 7(1) of W.B.P. T Act goes to show :

(1) (a) On a suit being instituted by the landlord for eviction on any of the grounds referred to in section-6, the tenant shall, subject to the provisions of sub-section-(2) of this Section, pay to the landlord or deposit with[ the Civil Judge] all arrears of rent, calculated at the rate at which it was last paid and upto the end of the month previous to that in which the payment is made together with interest at the rate of ten per cent per annum.

(b) **Such payment or deposit shall be made within one month of the service of summons on the tenant** or, where he appears in the suit without the summons being served upon him, **within one month of his appearance.**

(c) The tenant shall thereafter continue to pay to the landlord or deposit with the Civil Judge month by month by the 15th of each succeeding month, a sum equivalent to the rent at that rate.

So from the language of the provision of Section 7(1) of W.B.P T Act, it is crystal clear that a tenant has to **deposit** or **pay** current rent and admitted arrears of rent, if any **within one month** of service of summons or within one month from the date of appearance as the case may be.

In the present case, as per bailiff report dated 07/01/2026, summons have been received on behalf of the defendant by his son on 07/01/2026, which the Ld. Advocate for the defendant also admitted today although it has been mentioned otherwise in the petition u/s 7(1) & 7(2) of W.B.P T Act, whereas the prescribed period of limitation for deposit of current rent as well as admitted arrear of rent of 30 days got expired on **06/02/2026** excluding the date of service.

Admittedly, the defendant has filed the applications u/s 7(1) & 7(2) of W.B.P T Act on 02/03/2026, much after the expiry of the prescribed period of time as stipulated under the Act.

Therefore, since from the above discussions , it is palpably clear that the defendant has failed to comply with the provision of Section 7(1) of W.B.P T

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(contd.....)  
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Act of depositing the admitted arrears of rent with statutory interest as well as current rent within the time frame as prescribed under the Act, this Court finds no scope to entertain the instant application u/s 7(1) of W.B.P T Act filed by the defendant at this belated stage after the period of limitation is over .

Accordingly,

It is

Ordered

that the application u/s 7(1) of W.B.P T Act filed by the defendant dt 02/03/2026 is hereby considered and rejected on contest but without cost.

Since it is apparent from the face of the record that the defendant has failed to comply in terms of Section 7(1) of W.B.P T Act, and the application u/s 7(1) of W.B.P T Act filed by the defendant has already been rejected, the petition u/s 7(2) of W. B.P. T Act filed by the defendant dt 02/03/2026 has also no legs to stand upon and thus the same also stands rejected and disposed of.

Therefore, provisions of Section 7(3) of W.B.P T Act shall be operative.

To- date ( **08/04/2026** ) for necessary order.

Chief Judge.

J.O. Code WB 01130