

EJECTMENT SUIT NO. 204 OF 2010

ORDER NO. 63 DATED 08.03.2019

Both parties file hazira. Counsels for both parties are present on call.

The application under Sec.7(3) of the West Bengal Premises Tenancy Act is taken up for hearing.

By filing the instant application, plaintiff submits that the defendant, from the year 2000 till date, has not filed any petition under Sec.7(1) and Sec.7(2) of the West Bengal Premises Tenancy Act and has not tried to deposit any rent in Court till date and prays for striking out the defence.

Counsel for the defendant admitted that no application under Sec.7(1) and Sec.7(2) of the West Bengal Premises Tenancy Act has been filed by his client till date. He is depositing rent in connection with some other suit pending before the City Civil Court, Calcutta.

Heard both sides at length. Perused the application and the materials available on record.

Admittedly, the suit is about a decade old and during this long pendency, defendant has not deposited a single farthing in connection with the rent of this suit. He has not even filed any application under Sec.7(1) and Sec.7(2) of the West Bengal Premises Tenancy Act. Ld. Counsel for the defendant admitted the landlord-tenant relationship that existed between the parties. I am of the view that in the eve of such admission by the Ld. Counsel for the defendant, there is no need for adducing further evidence by the parties for driving home their respective submissions. The situation, as it stands now, is that the defendant has failed to deposit the current rent or to clear the admitted arrear rent, as alleged by the plaintiff stating that the defendant is a defaulter since the month of June 2000.

When the petitions under Sec.7(1) and Sec.7(2) are not lying with the case record, defendant cannot get any shelter under the Statute. Moreover, when the current rent has not been deposited in this suit for years altogether.

In view of my above observations, the instant application of the Plaintiff is allowed on contest but without any order as to cost.

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Hence, it is ORDERED that the defence of the defendant be struck off under Sec.7(3) of the West Bengal Premises Tenancy Act for not depositing any rent in court.

Fix 08.05.2019 for P. Hearing of the suit.

Dictated and corrected by me

JUDGE

JUDGE
[5TH BENCH]