

EJECTMENT SUIT NO. 202 OF 2007 [1228/2014]  
C. N. R. NO. WBPS01-000571-2007  
Before Smt. A. Bhattacharya, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 126 DATED 08.01.2025

Both parties file hazira.

Plaintiff also files a petition praying for time for filing amended copy of plaint on the ground stated therein.

Today is fixed for filing amended copy of plaint, hearing of the petition filed by the defendant today and evidence of further P.W.

Ld. Advocates for both sides are present.

Heard ld. Advocates for both sides.

Perused the petition and the materials on record.

Prayer for time by the Plaintiff to file amended plaint is considered and allowed.

Now, the record is taken up for hearing of the petition filed by the defendant on 20.11.2024 by which it is stated by the defendant that the defendant filed petitions under Sec.7(1) and Sec.7(2) of the W. B. P. T. Act along with a petition under Sec.5 of The Limitation Act after entering appearance in this suit. After hearing, the petition under Sec.7(1) of the said Act was allowed vide order dated 05.03.2010 and accordingly, defendant was depositing the monthly rent through clerk Smt. Jhunnu Shah without any default lastly upto 12.09.2024 for the months of August and September 2024 for an amount of Rs.1200/- p.m. The said clerk was engaged to deposit the rent for the months of October and November 2024. The defendant was under a bona fide belief that the said clerk had deposited the said amount but on 18.11.2024, she came to know from the relative of the said Clerk that she is hospitalized since long. Thereafter, defendant immediately was advised by the ld. Advocate to file the instant application and prays for condoning the delay and extend the time for depositing the monthly rent since October 2024 in court on a regular basis.

Ld. Advocate for the plaintiff has raised no objection if the instant application is allowed in accordance with law.

Considering the submissions of ld. Advocates for both sides, the petition and the materials on record, I find that the defendant should be permitted to go on depositing the rent at his own risk without prejudice to the rights and contentions of the parties to this suit.

Hence, it is

**ORDERED**

that the petition filed by the defendant on 20.11.2024 is allowed on contest.

ORDER NO. 126 contd.

The delay in depositing the rent for the month of October 2024 is hereby condoned.

Defendant is permitted to go on depositing the rent since the month of October 2024 at his own risk without prejudice to the rights and contentions of the parties to this suit.

Fix 24.02.2025 for evidence of further P.W.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]