

EJECTMENT SUIT NO. 239 OF 2004 [305/2014]
C. N. R. NO. WBPS01-000981 - 2004
Before Sri Sridhar Chandra Su, Ld. Judge, 5th Bench.

ORDER NO. 92 DATED 10.08.2022

Today is fixed for submission of Commission report and hearing of the petition filed by the defendant on 23.12.2021.

Both parties have filed their respective haziras.

Ld. Advocate for the plaintiff has also filed written objection against the petition filed by the defendant on 23.12.2021. Plaintiff has also filed one petition under Sec.7(3) of the W. B. P. T. Act. Copy of these petitions are served upon the defendant. Let these be kept with the record.

Ld. Advocates for both sides are present.

The record is taken up for hearing the petition dated 23.12.2021 filed by the defendant.

Ld. Advocate on behalf of the defendant, at the time of hearing, submitted that she deposited rent up to February 2021 and further submitted that due to Covid 19 and closure of the plaintiff's lawyer's chamber, she could not pay/deposit the rent since thereafter. Ld. Advocate further submitted that she tried to pay the rent to the ld. Advocate for the plaintiff for four times but the ld. Advocate refused to accept the same. Thereafter, she filed the instant petition.

Ld. Advocate for the plaintiff has raised strong objection and submitted that the ld. Advocate on behalf of the defendant never came to his chamber to pay the rent. He has further submitted that due to non payment of rent since March 2021, he was not in a position to accept the rent for the month of December 2021 and subsequent period. Ld. Advocate for the plaintiff, in support of his contention, has also filed acknowledgement receipts of rent for the months of March 2020 to October 2020 and February 2021.

Considering the above context along with the petition filed by the defendant and also written objection along with acknowledgment receipts of rent, therefrom found that the defendant, in his application, did not mention any period since when he has not paid any rent. Defendant is silent about it. Defendant has also not mentioned in his petition the period for which he went to pay rent to the plaintiff. The contents of the petition is not clear. Accordingly, the petition is not tenable and it be rejected.

Hence, it is ordered that the petition dated 23.12.2021 filed by the defendant is hereby rejected on contest.

Fix 26.09.2022 for hearing of the petition under Sec.7(3) of the W. B. P. T. Act and C/R. Issue writ of commission. W/O, if any, in the meantime.

Dictated and corrected by me,

JUDGE

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