

Order no.13 dt.25/09/18

Plaintiff files hazira and a petition u/o 26 rule 9 CPC.

Today is fixed for order in connection with petition u/s 7 (2) of W.B.P.T. Act and the record is taken up for passing such order.

Plaintiff has filed this suit for eviction of the defendant and one of the grounds is that defendant is a defaulter in payment of rent since April, 2015. Defendant entered appearance and filed petition u/s 7 (2) of W.B.P.T. Act. In the said petition defendant claimed that the rent for April to August, 2015 and for September, 2015 was tendered by money order which was refused by the plaintiff and as such rent for the period between September, 2015 and January, 2017 was deposited with the Rent Controller.

The defendant has also filed money order coupon return memo, rent controllers challan and court deposit challans. It also appears that the admitted arrears between April, 2015 to August, 2015 have also been deposited by the defendant as the challans of the same has been filed.

Accordingly, the petition u/s 7 (2) of W.B.P.T. Act is disposed of with observation that defendant is not a defaulter.

To 29/11/18 for framing of issues. To date for hearing the petition u/o 26 rule 9 CPC. Objection, if any, in the mean time.

D/C by me

Judge, 4th Bench

Judge