

ORDER NO. 34 dt.07/09/22

Today is the date fixed for passing order as regards to the plaintiff's petition u/s 7(3) of the W.B.P.T. ACT dt.16/03/22. The defendant filed written objection. It is contended by the plaintiff that the defendant after passing order of section 7(1) and 7(2) of the W.B.P.T. ACT the defendant failed to comply the order of petition u/s 7(1) of the W.B.P.T. ACT by depositing current monthly rent and accordingly prayed for striking out the defence of the defendant.

Perused the case record it appears the defendant filed a petition on 29/11/21 stating inter alia that the defendant could not deposit monthly rent from the month of March, 2021 and prayed to grant permission to deposit the rents fallen due. Vide order dt.06/01/22 though the defendant was permitted to deposit the rent fallen due but it was ordered that if any, right has been accrued by the plaintiff due to non deposit of rent by the defendant in time the same remain unchanged.

Accordingly it is found that the defendant failed to comply the order u/s 7(1) of the W.B.P.T. ACT passed on 09/04/18 by depositing the current monthly rent month by month by the 15th of each succeeding month. So the defence of the defendant should be struck off u/s 7(3) of the W.B.P.T. ACT.

Hence it is

ordered

that the defence of the defendant against delivery of possession is hereby struck off.

To 28/11/22 for P.H.

D/C by me

Judge, 4th Bench

Judge