

Court No. 6
(265719)

28.03.2025
(AD 21)
(S. Banerjee)

CO 1104 of 2025

Wembly Interior Pvt Ltd.
Vs.
Samiran Kumar Sett

Mr. Tarak Nath Halder

...for the petitioner

Mr. Halder, learned advocate appearing for the petitioner submits that summons of the said order was not served upon the petitioner, and the petitioner entered appearance in the said suit on January 3, 2022 and deposited the arrears of rent in terms of the provisions as laid down under Section 7(1) of the West Bengal Premises Tenancy Act, 1997 within one month from the date of appearance. He further submits that though application under Section 7(2) of the 1997 Act was filed but, the same was a mere surplusage as the petitioner has not raised any dispute either as to the rate of rent or the period of default.

It prima facie appears to this Court that the learned trial Judge struck off the defence against delivery of possession under Section 7(3) of the 1997 Act without arriving at a specific finding that the

petitioner has failed to comply with the provisions of Section 7(1) of the Act.

The petitioner is directed to serve a copy of this application upon the opposite party by registered speed post with acknowledgement due and file an affidavit of service on the next date.

There shall be an order of stay of all further proceedings in Ejectment Suit No. 107 of 2021, pending before the learned Civil Judge (Jr. Division) 2nd Court at Sealdah, till the end of June, 2025 or until further orders whichever is earlier.

List this matter under the heading 'Contested Application' in the Monthly List of June, 2025.

(Hiranmay Bhattacharyya, J.)