

30.01.2026
Ct. No. 06
Item No.335
Cp

C.O. 1568 of 2025

Laxmi Nayak
Vs.
Manjit Kaur

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

.....for the petitioner.

The revisional application arises out of orders dated March 31, 2023 and September 10, 2024, passed by the learned Civil Judge (Junior Division), Second Court at Medinipur, District: Passchim Medinipur in Other Suit No.90 of 2019.

By order dated March 31, 2023, the learned court rejected an application for repair of the property. The said application was rejected on the ground that the petitioner was residing elsewhere for the past two years. Thus, the application for repair was considered to be unnecessary. The suit plot was found to be damaged and destroyed. I do not find any irregularity in the order.

By the order dated September 10, 2024, the learned court rejected an application dated September 17, 2019. The court observed that the applications under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as

the 'said Act') had been filed to allow the defendant to pay the arrear rent. Further prayer was that the arrear rent may be directed to be paid in easy instalments. The court found that the plaintiff had alleged that the defendant had stopped payment of house rent since October 2014, and the rent was Rs.1000/- per month. The defendant admitted to have paid the rent @ Rs.150/- each month till January, 2019.

According to the defendant, the payment of rent upto January, 2019 was without any receipt and from February, 2019 the house rent with interest was deposited in court and thereafter each month.

In the petition under Section 7(1) of the said Act, the defendant stated that she was depositing the arrear rent with interest by a separate challan. The learned court was of the view that the application under Section 7(1) was not moved and the defendant was depositing Rs.150/- per month from October, 2019, as per the order dated November 14, 2019, at her own risk through challan, although it was the duty of the defendant to move the application under Section 7(1) of the said Act prior to depositing the amount through challan on November 14, 2019.

In paragraph four of the application under Section 7(1) of the said Act, the defendant has categorically stated that it was necessary to deposit the admitted house rent with interest in the court from the month of

February, 2019 and thereafter month by month each month, or else, the interest of the defendant would be seriously prejudiced. The defendant also filed an application for determination of the arrear rent.

It is urged that on the same day when the application under Section 7(1) of the said Act was filed, the admitted arrear was deposited with 10% interest.

Under such circumstances, it is necessary for the court to ascertain whether the application under Section 7(1) of the said Act was filed within the time prescribed by law and the deposit of admitted arrears were made on the same day.

Let there be stay of all further proceedings in Other Suit No.90 of 2019 upto March 31, 2026 or until further orders whichever is earlier.

Let this matter appear in the list on February 20, 2026, at 2 pm.

Let a copy of the revisional application along with the server copy of this order be served upon the opposite party and the learned advocate appearing on behalf of the opposite party in the learned trial court.

Affidavit of service to be filed on the next date.

(Shampa Sarkar, J.)