

10.06.2026
Ct. No.6
Sl. No.335
skg

C.O. 1698 of 2026

Tripti Pal
Vs.
Tapas Dhar

Mr. S.N. Dutta, Adv.

...for the petitioner

1. This revisional application is directed against the order dated April 21, 2026 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta in Ejectment Suit no. 307 of 2024 whereby the petitioner's defence has been struck out by invoking the provision of Section 7(3) of the West Bengal Premises Tenancy Act, 1997 while observing that the petitioner has failed to comply with the mandatory provisions of Section 7(1) of the 1997 Act.
2. Learned Advocate appearing for the petitioner invites attention of this Court to the rent deposit receipts appended to the revisional application and submits that the rent receipt would show that the deposit was made on January 15, 2025. It is also submitted that summons of the suit was served upon the petitioner on December 18, 2025 and that within one month from the date of service of summons i.e. on January 15, 2025 the petitioner filed an application under Section 7(1) and 7(2) of the 1997 Act. It is further submitted that in terms of the order passed by the learned Trial Court on the

same date the petitioner deposited the current rent as well as the admitted arrears on the same date. However, the rent deposit challans were not accepted by the department since the records of the case were lying in the Court.

3. Having heard the learned Advocate appearing for the petitioner and having considered the material on record this Court is of the *prima facie* view that the learned trial Court was not justified in striking out the defence of the petitioner holding non-compliance of the provision of Section 7(1) of the 1997 Act inasmuch as the rent deposit receipts/challans *prima facie* indicate that the deposit was made within time.
4. In such view of the matter, the learned Trial Court shall adjourn the hearing of the suit fixed on the next date to a date later than the date on which this revisional application is being made returnable.
5. The petitioner shall serve a copy of the revisional application along with notice on the opposite party intimating the opposite party that the matter shall be taken up next on June 23, 2026 and file affidavit of service on the returnable date.

(Om Narayan Rai, J.)