

23.02.2021
(S/L-04)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 174 of 2021

Sabyasachi Pal
-Vs-
Sreekumar Ghosh

Mr. Dhananjay Banerjee,
Mr. Snehansu Majumdar,
..... For the petitioner.
Mr. Saptarshi Kumar Kundu,
.... For the Opposite Party.

The defendant in a suit for eviction is the petitioner of the present revisional application under Article 227 of the Constitution of India which is directed against order no. 20 dated November 25, 2019 passed by the 1st Court of learned Civil Judge (Junior Division) Ranaghat, District Nadia in the said suit being Title suit No. 213 of 2015.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997(hereinafter referred to as the 'said Act' in short) whereby the petitioner prayed adjustment of the rents deposited with the Rent Controller.

Section 7(1) of the said Act contemplates that on a suit under Section 6 of the said Act being instituted, the tenant shall pay the admitted arrear rent to the landlord or deposit the same along with statutory interest with the Civil Judge within the time prescribed under the said provision of the said Act.

Section 7(2) thereof mandates payment of the arrear rent assessed under the said provision of the said Act to the landlord or to deposit the same with the Civil Judge within the time prescribed under the said provision or within the extended time prescribed under the proviso appended to the said provision.

The petitioner continued to deposit the rent with the Rent Controller even after filing of the suit. Moreover, the petitioner has not complied with the provision of Section 7(1) of the said Act, such non-compliance renders the application under Section 7(2) of the said Act not maintainable.

The learned Trial Judge, therefore, has rightly dismissed the said application of the petitioner.

The order impugned does not call for any interference.

C.O. 174 of 2021 is dismissed. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)