

16.11.2021
(S/L-29)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 387 of 2021

Shamshad Ahmed & Anr.

-Vs-

Md. Altaf Khan

Mr. Shyamal Chakraborty,
.... For the Petitioners.

Mr. Abhijit Ray,
Mr. Tanweer Ahmed Khan,
Mr. Subham Gupta,
... For the Opposite Party.

The plaintiffs in a suit for ejectment being Ejectment Suit No.149 of 2020 are the petitioners of the present application under Article 227 of the Constitution of India.

The petitioners are assailing the order no. 4 dated December 9, 2020 passed in the said suit. The learned Trial Judge by the said order has disposed of an application filed by the opposite party under Section 7(1) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the "said Act" in short).

Mr. Shyamal Chakraborty, learned advocate appearing on behalf of the petitioners submits that grievance of the petitioners is that the defendant in his application under Section 7(1) of the said Act has only prayed for permission to deposit the current rent but the

learned Trial Judge by the order impugned has allowed him to deposit the arrear rent also.

Mr. Abhijit Ray, learned advocate appearing on behalf of the defendant/opposite party submits that the defendant is not in default as alleged by the plaintiff in the suit, therefore, he has only prayed for permission of the learned Trial Judge to deposit the current rent in the suit.

The defendant/opposite party filed the said application under Section 7(1) of the said Act of 1997 seeking permission to deposit the current rent only, therefore, permission granted to the tenant/opposite party to deposit the arrear rent is of no consequence.

The application under Section 7(2) of the said Act is pending, the learned Trial Judge is requested to expedite the disposal of the said application.

C.O. 387 of 2021 is disposed of with the above terms without any 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.)