

19.04.2022
Item No.23
Ct. No.7
CHC
(disposed of)

**C.O.855 of 2022
(Physical Hearing)**

**Utpal Banerjee
Vs.
Tunu Sarkar**

Mr. Sekhar Pal,
Mr. Mobakshar Islam,
Mr. Uttam Banerjee,
Mr. Arunesh Pathak
...for the petitioner

Petitioner/plaintiff feels aggrieved with the order dated 10th March, 2022, granting liberty to opposite party/defendant to deposit rent (if any) at his own risk.

It is contended by the learned advocate for the petitioner/plaintiff that in view of period and/or limitation prescribed under Section 7(1) of the West Bengal Premises Tenancy Act, the deposit of monthly rent has to be made within the period, as expressly shown in the Act itself. Since there has been violation regarding deposit of monthly rent coupled with arrears of rent, the liberty granted by the court ought not to have been made.

Upon perusal of the impugned order, it appears that petitioner/landlord proposed to file written objection against the petition filed by the opposite party/defendant, and after an adjournment being granted, the matter was next posted on 13th May, 2022

for hearing of petition under Section 7(1) and 7(2) of the W.B.P.T. Act.

Learned court below was not oblivious of the limitation provided in the Act itself to avail the benefit of 7(1) and 7(2) of the W.B.P.T. Act, and consciously passed the order granting liberty to deposit rent (if any) at the own risk of the defendant/opposite party.

In view of such order, no conscious decision has been rendered with regard to validity of such deposit of rent made by the opposite party/defendant/tenant. When next date is fixed on 13th May, 2022, which is knocking, the revisional application may be disposed of giving liberty to petitioner/plaintiff to raise all such points pertaining to limitation prescribed in Section 7(1) of the West Bengal Premises Tenancy Act at the time of hearing of 7(1) and 7(2) petition under W.B.P.T. Act, and if any such point is raised, at the time of hearing on the scheduled date, the same may be addressed to by the learned court below, and resolve the same in accordance with the provision of the law, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

Petitioner is directed to make communication of this order to the learned court below as well as to the

learned advocate appearing in the court below for the opposite party and opposite party as well.

With this direction and observation, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)