

21.03.2022
(D/L-08)
Ct.-18
(Susanta)

C.O. 3736 of 2018

Sri Kashinath Sapui @ Sanpui
-Vs-
Sripada Chandra Saha

Mr. Tanmay Chowdhury,
Ms. Ritoprita Ghosh,
.... For the Petitioner.

The defendant in a suit for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as “the said Act of 1997” in short) is the petitioner of the present application under Article 227 of the Constitution of India which is directed against the order dated March 27, 2018 passed by the Additional Court of learned Civil Judge (Junior Division) at Serampore, District-Hooghly in Title Suit no. 1020 of 2014.

The learned Trial Judge by the order dated April 18, 2017 had disposed of an application filed by the petitioner under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 by directing the petitioner to liquidate the assessed arrear rent by five monthly instalments.

The plaintiff/opposite party filed an application under Section 7(3) of the said Act of 1997 for striking out the defence of the petitioner against delivery of possession on the

allegation that the petitioner has failed to comply with the order passed under Section 7(2) thereof.

The learned Trial Judge although did not accept the allegations of the opposite party that the petitioner has defaulted in complying with the order passed under Section 7(2) of the said Act of 1997, but allowed the said application under Section 7(3) thereof holding that the petitioner did not deposit the current rent at the rate determined by the order under Section 7(2) of the said Act of 1997 but continued to deposit the rent at the rate admitted by him without offering any explanation justifying deposit of the current rent at the said rate.

This Court does not find any illegality and/or infirmity in the order impugned warranting interference.

C.O. 3736 of 2018 is dismissed, 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.)