

Item No. 26

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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

CO 666 of 2020

Sidheswar Ghosh
Vs
Sukumar Das & Anr.

Mr. Neil Basu,
Mr. Sankha Biswas.

... for the petitioner.

Mr. Shamit Sanyal,
Ms. Priyankshi Banerjee,
Mr. Sabyasachi Roy.

... for the opposite parties.

1. Affidavit of service is filed and taken on record.
2. Challenge in this revisional application is the order dated 12.12.2019 in connection with Title Suit No. 200 of 2019 passed by the learned Civil Judge (Junior Division), 1st Court, Krishnagar, Nadia, wherein learned Judge allowed the prayer for depositing the arrears rents on behalf of the defendants/opposite parties herein.
3. Learned counsel on behalf of the petitioner, by referring to the provision of Section 7(1)(a) of the West Bengal Premises Tenancy Act, 1997, has submitted that the provision of Section 7(1)(a) of the West Bengal Premises Tenancy

Act, 1997 has not been complied with as there was no order of depositing interest @ 10% per annum together with arrears rents.

4. Learned counsel on behalf of the opposite parties, in his usual fairness, has conceded that there is provision of depositing interest @ 10% per annum together with arrears rents.
5. Given facts and circumstances, particularly the provision of Section 7(1)(a) of the West Bengal Premises Tenancy Act, 1997 defendants/opposite parties herein are liable to pay the interest @10% per annum together with arrears rents.
6. Regard being had to the above, I find no reason to interfere with the order but modify to the extent of a direction given to the defendants/opposite parties herein to deposit the interest @ 10% per annum on the arrears rents, if not deposited, without prejudice to the rights and contentions of the parties.
7. With the aforesaid observation, the revisional application stands disposed of.
8. Connected applications if any, also stands disposed of.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

10. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)