

10 29.02.2024
AN Ct. No. 07

CO 3105 of 2023

Seuli Saha & anr.
Vs.
Smt. Sita Das & Ors.

Mr. Sovan Mukherjee

... for the petitioners

The order dated 27.07.2023 passed by the learned Civil Judge, Junior Division, First Court at Sealdah in Ejectment Suit No. 105/19 is under challenge in this civil order.

By the order impugned, the defence of the petitioner was struck off. Learned trial court recorded that the defendant did not deposit the arrear rent within the stipulated period for which the application under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 and the application under Section 5 of the Limitation Act stood rejected. Section 7(3) of the 1997 Act states that if the tenant fails to deposit or pay any amount referred to in Sub-section 1 or Sub-section 2 within the time specified therein, or within such extended time as may be granted, the Civil Judge shall order the defence against delivery of possession to be struck out and shall proceed with the hearing of the suit. Since it is not in dispute that the petitioner failed to deposit the arrear rent within the time limit stipulated in the 1997 Act, this Court is of the considered view that the learned trial Judge was right in allowing the application under Section 7(3) of the 1997 Act thereby striking out the defence of the petitioner.

For such reasons, the order impugned does not call for any interference and accordingly, this civil revisional application stands **dismissed**.

There shall be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)