

D/L- 32
13/05/2025
Ct. No.-6
Aritra

C.O. 1646 of 2025
With
CAN 1 of 2025
Ajay Kumar Shaw
Vs.
Vishnu Narayan Kashyap

Mr. Satya Ranjan Kundu
Mr. Sudhir Kumar Das
Ms. Ankita Banerjee

....for the petitioner

Ms. Madhupriya
Mr. Aniruddha Sinha

....for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant is directed against an order dated December 10, 2024 passed by the learned Judge, 4th Bench, Presidency Small Cause Court at Calcutta in Ejectment Suit No.192 of 2021.

By the order impugned the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 was rejected on the ground that the admitted arrears of rent was not deposited along with such application.

Mr. Kundu, learned advocate appearing for the petitioner submits that there was a default in payment of rent for the period from January, 2013 till December, 2021, i.e. for 108 months but through inadvertence the rent for 96 months was deposited.

He submits that the petitioner be permitted to deposit the entire arrears of rent together with statutory interest thereon.

The opposite party is represented by the learned advocates. She submits that the petitioner for reasons best known to him did not deposit the admitted arrears of rent along with application under Section 7(2) of the 1997 Act. She further submits that the learned trial judge was right in rejecting the application under Section 7(2) of the said Act.

Heard the learned advocates for the respective parties and perused the materials placed.

After going through the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997, this Court finds that the petitioner has admitted that he has paid rent till December, 2012 and rent from the month of January, 2013 to November, 2021 are in arrears. However, it appears that the defendant has admitted to be a defaulter in payment of rent for more than 96 months.

It is well-settled that the admitted arrears of rent are to be deposited along with the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997. The learned trial judge has recorded a factual finding that the petitioner has not deposited the admitted arrears of rent. Such factual finding could not

be controverted by Mr. Kundu, learned advocate for the petitioner in course of hearing of this application.

For such reason, this Court is not inclined to interfere with the order impugned. CO 1646 of 2025 accordingly stands dismissed.

Mr. Kundu submits that CAN 1/2025 was filed wrongly. He has instruction not to press such application. In the light of such submission, CAN 1/2025 stands dismissed as not pressed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)