

Court No. 6
(265719)

16.06.2025
(AD 10)
(S. Banerjee)

CO 1896 of 2025

Smt. Kalpana Chandra
Vs.
Sri Sibsankar Pal & Anr.

Mr. Sanjib Kumar Mukhopadhyay
Ms. Prama Roy

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against Order no. 6 dated March 7, 2025 passed by the learned Judge, Tenth Bench, City Civil Court at Kolkata in Title Suit No. 309 of 2024. By the order impugned the application under Section 151 Civil Procedure Code stood rejected.

The opposite parties herein filed a suit for declaration that the defendant is possessing the suit property as a trespasser and for recovery of possession by evicting the trespasser. In such a suit the defendants/petitioner herein filed an application captioned as 'An application under Section 151 of the Civil Procedure Code' inter alia praying for an order allowing the petitioner to deposit the arrears of monthly rent before the learned trial judge.

After going through the said application this court finds that the said application was in substance an application praying for depositing the rent in a proceeding for eviction under the West Bengal Premises Tenancy Act, 1997.

It is well-settled that an order allowing tenant to deposit rent under the provisions of West Bengal Premises Tenancy Act is maintainable only if a proceeding for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997 is instituted.

After going through the plaint this court finds that the same is not a suit filed under Section 6 of the West Bengal Premises Tenancy Act, 1997 nor the same is a suit filed under Section 13 of the West Bengal Premises Tenancy Act, 1956.

Therefore, the learned trial judge was right in rejecting the said application and this court is not inclined to interfere with the order.

Accordingly, CO 1896 of 2025 stands dismissed. However, there shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)