

06.05.2026
Court No.2
Item No.5
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

CO 2054 of 2024

**Chandrachur Chatterjee
Vs.
Smt. Malati Sen & Anr.**

Mr. Sibnath Ganguly
Mr. Argha Banerjee

...for the petitioner

Mr. Bratin Kumar Dey
Ms. Anjana Banerjee
Mr. Subhankar Banerjee

...for the opposite parties

1. Present petition has been filed challenging the order dated 18th April, 2024 whereby the learned Trial Court, inter alia, found the deposit made by the defendant / petitioner from December 1989 as invalid deposit and further, inter alia, directed the petitioner / defendant to pay the rent at the rate of Rs.150 per month for 413 months along with 10 per cent statutory interest within one month from the date of the order. The petitioner aggrieved of this invokes the jurisdiction of this Court and submits that the learned Trial Court could not have, inter alia, held the deposit invalid on the ground that the extent of tenancy has not been correctly mentioned in the challan.

2. Learned counsel for the opposite parties submits that the order has been passed by the Trial Court in accordance with law and since there is a default in the

payment of rent, the landlord is entitled to get the benefit under Section 7(3) of the West Bengal Premises Tenancy Act, 1997. Learned counsel for the opposite parties has also submitted that he has filed an application under Section 7(3) of the WBPT Act, 1997 which is pending disposal before the learned Trial Court.

3. During the course of submissions learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to deposit the rent as directed vide impugned order dated 18th April, 2024 within one month from the date of the order passed by this Court and with liberty to raise all the contentions regarding the extent of the tenancy before the learned Trial Court during the course of the trial.

4. On perusal of the record, it indicates that pursuant to the filing of the petition, the Co-ordinate Bench of this Court granted interim protection vide order dated 13th June, 2024 which was later on extended till November, 2024. It seems that thereafter the petition was not taken up for hearing.

5. Learned counsel for the opposite parties submits that if the petitioner is given liberty to deposit the rent, now it will take away the benefit to the opposite party / landlord as provided under Section 7(3) of the WBPT Act, 1997.

6. The Court considers that if the rent is deposited by the petitioner / tenant in terms of order dated 18th April, 2024 within one month of the order of this Court, it will not prejudice either of the parties. Learned Trial Court shall decide the application under Section 7(3) of the WBPT Act, 1997 in accordance with law without being influenced by the liberty granted by this Court to the petitioner / tenant to deposit the rent. Furthermore, as far as the extent of the tenancy is concerned that shall also be adjudicated by the learned Trial Court upon leading of the evidence by both the parties.

7. In view of the discussions made hereinabove, the petition being CO 2054 of 2024 is disposed of in terms of the order passed by this Court.

8. All connected pending applications, if any, stands disposed of.

9. The petitioner shall deposit the rent within one month i.e. on or before 6th June, 2026 in terms of the order dated 18th April, 2024.

10. The petitioner / tenant may move an application for withdrawal of the rent already deposited before the Rent Controller. Learned Rent Controller shall decide the same only after issuing notice to the other parties in accordance with law.

11. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)