

06.04.2026
Item No.136
Ct. No. 30
Aloke

CO 2273 of 2021

Santanu Basu
Vs
Manisha Chakraborty & Ors.

Mr. Souri Ghosal
Mr. Soujanya Guha Majumder
... for the petitioner

1. Affidavit-of-service filed be kept with the record.
2. The civil revision has been preferred challenging order dated 01.08.2019, which has been subsequently modified by an order dated 19.02.2021 passed by the learned Civil Judge (Senior Division), 5th Court at Alipore, 24 Parganas (South), in Title Suit No. 55 of 2014.
3. Vide the impugned order, the learned trial Court has held that the rent due from the defendant/petitioner herein is from January 2001 to July 2019.
4. The Court came to a finding as to the total amount of outstanding rent due from the defendant after adjusting the total rent paid by the defendant/petitioner upto August 2014 when the suit was filed and directed that the outstanding dues was Rs.4,06750/- and directed that the same be paid in instalments.

5. Learned counsel for the petitioner submits that though the past rent paid was adjusted, the Court did not take into consideration, **the current rent being paid** by the petitioner under Section 7(1) of the WBPT Act after institution of the suit.
6. It is submitted that from 2014 to 2019, the petitioner has been continuing to pay and the Court did not take into consideration the said payment, while computing the rent due.
7. It appears that no such document was placed before the trial Court by the defendant/petitioner herein.
8. The learned counsel for the petitioner also could not place any document to substantiate the argument that current rent is being deposited.
9. Accordingly, the revisional application is disposed of with liberty granted to the defendant/petitioner to make an application before the trial Court for modification of the impugned order dated 01.08.2019, on filing documents in support of his submission that current rent has been deposited till 2019 under Section 7(1) of the WBPT Act.
10. If such an application along with documents is filed, the trial Court shall take up the matter for considering the case of the

defendant/petitioner herein and if the petitioner's case has merit, the trial Court shall be at liberty to modify its order dated 01.08.2019 accordingly.

11. Civil revision stands disposed of.
12. Connected application, if any, stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)