

(41)
02.02.2021
(p.jana)

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

(Via Video Conference)

CO 279 of 2020

**Smt. Suman Handa
-versus-
Sri Subrato Ghosh**

Mr. Joyjit Roy,
Mr. Vineet Kothari,
... for the petitioner.

The order proposed to be passed in the present revisional application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such, service of notice of the present application upon the said opposite party is dispensed with.

The petitioner is the plaintiff of the connected Title Suit No. 54 of 2017 pending before the 9th Court of Learned Civil Judge (Senior Division), Alipore, District : 24 Parganas (South).

The grievance of the petitioner is that he has filed two applications; one on February 25, 2019 and another on April 8, 2019 for ex-parte hearing of the suit for the failure of the defendant to file written statement within the time prescribed under Rule 1 of Order VIII of the Code of Civil Procedure but those applications have not yet been disposed of.

The further grievance of the petitioner is that the Learned Trial Judge is fixing dates for acceptance of the written

statement belatedly filed by the defendant/opposite party, but the said issue has also not yet been settled.

The suit being a suit for ejectment, the delay in settling the issue whether the written statement belatedly filed by the defendant be accepted by the Court or not runs counter to the object sought to be achieved by the said amendment of Order VIII Rule 1 of the Code by the Code of Civil Procedure (Amendment) Act, 1999 w.e.f. July 01, 2002.

The grievance of the petitioner therefore is justified.

The learned Trial Judge under such circumstances is requested to dispose of the aforementioned applications filed by the petitioner and the issue regarding acceptance of the written statement of the defendant/opposite party within a period of four weeks from the date of communication of this order without granting any unnecessary adjournment to either of the parties.

CO 279 of 2020 is thus disposed of.

No order as to costs.

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

(Biswajit Basu, J.)