

21.12.2021
SL No. 30
Court No.19
m ali

C.O. No 260 of 2019

Sudipta Traders Pvt. Ltd. & Anr.
Vs
Gujarat Composite Ltd. & Anr.
(Via Video Conference)

Mr. K. Thaker, Advocate
Mr. S. Ghosh

.....For the Petitioners
Mr. Joyjit Roy, Advocate
.....For respondent No. 1

Ms. Sutapa Sanyal, Advocate
Mr. Diptomo6y Taluker
.....For respondent No. 2

Learned counsel for both the parties are present. It is submitted on behalf of the petitioner that Learned Trial Court rejected the prayer for filing written statement made by defendant No. 2 on four occasions but ultimately, Learned Trial Court accepted written statement filed by defendant No. 2 which is not permissible in the eye of law as the same Court is precluded to go into that question again and in this connection reliance has been placed upon case law reported in (2008) 4 SCC 615. Being aggrieved by that order of acceptance of written statement petitioner has preferred the present revisional application.

Learned counsel for the opposite party submits that originally in the plaint filed by the plaintiff there were certain handwriting correction and for which revisional application was also preferred and in order to understand the purport and meaning of the plaint in its true sense, delay might have caused in filing written statement. However, now the suit have been posted for peremptory hearing and, accordingly, the issue raised by the petitioner/revisionist regarding acceptance or non acceptance of written statement have become infructuous.

Perused order dated 03.02.2021 wherefrom it appears that the Trial Court on the basis of pleading, framed issues of that suit and from the subsequent orders dated 08.03.2021, 17.04.2021, 19.06.2021, 21.08.2021 and 22.11.2021 it further appears that, the suit has been posted for peremptory hearing. In the above backdrop, if the present revisional application is disposed of without interfering with the order of acceptance of written statement as passed by the Trial Court with a direction to expedite the trial and to dispose of the same within a time frame, the highest prejudice that may cause to plaintiff will be that the suit will be disposed of on merit after contested hearing.

In view of the above, the C.O 260 of 2019 is, thus, disposed of with direction that the Trial Court will expedite the hearing of the suit and to dispose of the same preferably within a period of 12 months without granting any unnecessary adjournment to either of the parties.

(Ajoy Kumar Mukherjee, J.)