

09.04.2021
(S/L-03)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 642 of 2020

Sri Debsankar Paul
-Vs-
Sri Avijit Bhowmick

Mr. Anirban Dey,
Mr. Dilip Kumar Mondal,
..... For the Petitioner.

Mr. Manoj Kumar Ray,
..... For the Opposite Party

The defendant in a suit for eviction being Title Suit No. 462 of 2018 is the petitioner of the present application under Article 227 of the Constitution of India.

The learned Trial Judge by the order impugned being Order no. 13 dated December 02, 2019 has refused to accept the belatedly filed written statement of the petitioner and to vacate the order whereby the suit was fixed for *ex-parte* hearing.

The learned Trial Judge by the order dated June, 18, 2019 refused to accept the written statement filed by the petitioner beyond the prescribed period of limitation. The petitioner did not challenge the said order, instead filed written statement on August 26, 2019 and

prayed acceptance of the same by assigning some reasons under a show-cause.

The learned Trial Judge was not convinced with the causes shown by the petitioner to justify the delay in filing the written statement.

The order refusing to accept the written statement of the petitioner has attained finality, therefore, there is no need to investigate as to the sufficiency of the reasons sought to be assigned for acceptance of the written statement.

The order impugned for the aforesaid reason does not call for any interference.

C.O. 642 of 2020 is dismissed without any order as to costs.

The learned Trial Judge is requested to expedite the disposal of the suit.

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

(Biswajit Basu, J.)