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SK
Ct. No. 18
09.04.2021

**C.O. No. 674 of 2021
(Via Video Conference)**

**Sri Ranjan Mitra & Anr.
Vs.
Smt. Tantu Byapari & Anr.**

Mr. B. Chowdhury,
Mr. S. Mukherjee ... For the petitioners.

The defendant nos. 2 and 3 in a suit for eviction are the petitioners of the instant application under Article 227 of the Constitution of India which is directed against Order No. 24 dated February 11, 2020 passed by the 1st Court of learned Civil Judge, (Junior Division) at Barasat, District 24 Parganas (North) in Title Suit No. 135 of 2014.

The petitioners entered appearance in the suit and took time for filing written statement, but ultimately did not file the same as such by the order dated July 25, 2017 the suit was directed to be proceeded ex parte against the petitioners.

The petitioners long time thereafter on March 27, 2019 filed an application praying that the order fixing the suit for ex parte hearing be vacated and for acceptance of their written statement with counter claim.

The learned trial Judge by the order impugned has refused to accept such belatedly filed written statement with counter claim.

In view of the aforesaid factual matrix of the case, this Court does not find any reason to interfere with the order impugned.

C.O. 674 of 2021 is dismissed without any order as to costs.

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.)