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AKG 07-03-2022
Ct.21

C.O. 180 of 2020
Sri Profulla Kumar Ghosh
Versus
Sri Joydip Das

Mr. Bhagbat Chaudhuri,
Mr. K. Sahoo

...for the Petitioner

Mr. Nilanjan Bhattacharjee,
Mr. Sanjoy Karar

...for the Opposite Party

Learned advocate appears for the petitioner and learned advocate appears for the opposite party. The petitioner files affidavit service along with postal receipts and track reports showing due service.

The revisional application is taken up for hearing. Heard learned advocate for both sides.

Being aggrieved by the order of acceptance of written statement filed by the defendant/opposite party beyond the statutory period of 120 days by the learned Civil Judge (Junior Division), 4th Court, Howrah in Title Suit No. 1331 of 2018 on 17/08/2019 has preferred this revisional application.

It appears that the plaintiff/appellant has filed the suit on 12th October, 2018. The defendant has put his appearance on 28/11/2018 and has filed the written statement on 17th August, 2019 that is nine months after the appearance.

It is true that the defendant has failed to file written statement within the statutory period of 120

days, but I do not find that the delay to be extraordinary or exceptional. Therefore, I do not find any reason to set aside the impugned order. In fact, the learned Court below vide impugned order wants to dispose of the case in merit.

Thus, I do not find any merit in this revisional application.

The defendant is directed to pay cost of Rs. 2000/- to the plaintiff for fling written statement at belated stage.

Accordingly, **C.O. 180 of 2020** is dismissed.

(Kesang Doma Bhutia, J.)