

29.07.2022
Item No.59
Ct. No.7
CHC
(disposed of)

C.O.799 of 2022

**Hindustan Motors Limited
Vs.
Bengal Shriram Hitech City Private Limited &
anr.**

Mr. Rajarshi Dutta,
Mr. V.V.V. Sastry,
Mr. Debjyoti Saha

...for the petitioner

Mr. Jishnu Saha, Sr. Advocate
Mr. Rudrajit Sarkar,
Mr. Aditya Kamodia,
Mr. Ishan Saha

...for the opposite party/plaintiff

The subject-matter of challenge in this revisional application is against the order dated 22nd March, 2022, passed by learned Civil Judge (Senior Division), at Serampore, in Title Suit No.162 of 2021, setting the suit for *ex parte* hearing upon rejecting the petition of the defendant praying for extension of the time to file written statement.

Admittedly, the suit was instituted in the year 2021. The petitioner/defendant no.1 entered appearance in the suit on 26th November, 2021. Subsequently, on 16th March, 2022, the petitioner/defendant no.1 took out an application under Section 151 C.P.C. with a prayer requiring plaintiff/opposite party no.1 to file documents so that written statement could be prepared and filed.

The contention raised by the learned advocate for the petitioner is that keeping that application under Section 151 C.P.C. pending, the matter has been set for *ex parte* hearing, which is contrary to law.

Mr. Saha, learned Senior Advocate appearing for the opposite party no.1/plaintiff frankly submits today that the documents being relied upon the plaintiff are ready for service upon the petitioner/defendant no.1, and assures this Court that the same will be served without inviting any controversy. Just to expedite the process, learned advocate appearing for the opposite party no.1 makes over the documents to learned advocate appearing for the petitioner today in Court.

As per submission disclosed by learned advocate for the petitioner is that the next date fixed before the court below is on 11th November, 2022.

The documents being relied upon by the opposite party no.1/plaintiff having thus been made over to the learned advocate appearing today for the petitioner, the written statement may be furnished before the court below on the next date fixed.

The impugned order dated 22nd March, 2022, is, thus, set aside directing the petitioner to furnish written statement on the next scheduled date fixed before the court below.

This would not prevent the court below from accepting the written statement, if submitted much

earlier than the next scheduled date, upon notice to the other sides, so as to expedite the pending Title Suit.

With this observation/direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)