

03.08.2022
Item No.22
Ct. No.7
CHC
(disposed of)

C.O.1649 of 2022

Shyama Prasad Porel
Vs.
Bashanti Porel & ors.

Mr. Bhagabat Chawdhury,
Sk. Toslim Ali
...for the petitioner

By order dated 8th June, 2022, passed in Title Suit No.168 of 2019, learned Civil Judge (Junior Division), at Amta, Howrah, has directed the opposite parties/defendants to file written objection against injunction application as well has to file written statement making infraction of the provision of the law as available under Order 8 Rule 1 C.P.C.

Learned advocate appearing for the petitioner contends that belated filing of written statement may not be accepted by the court below in view of the provisions laid down under Order 8 Rule 1 C.P.C.

True it is that a direction has been there by the impugned order, directing defendant to file written statement, but the situation is very clear that neither the written statement has been submitted by the defendant as yet, nor the written statement has yet been accepted by any order of the court below.

That being the position, the revisional application be disposed of directing the petitioner/plaintiff to raise

all such points as available under Order 8 Rule 1 C.P.C. at the time of acceptance of written statement said to be belatedly filed, if any.

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

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.)