

09.11.2022
Item No.33
Ct. No.7
CHC

C.O. 2240 of 2022

**Munsi Mossaraf Hossain
Vs.
Anisha Khatun**

Mr. Suprobhat Bhattacharya,
Md. Habibur Rahman
...for the petitioner

The subject-matter of challenge is against the rejection of a counter claim belatedly filed.

Admittedly, the suit was filed in the year 2013, and defendant filed his written statement on 14th March, 2014.

After observing the formalities, the suit was set for peremptory hearing, and evidence of the defendant was allowed to be adduced on 31st August, 2018. Without adducing the evidence, on the date scheduled, a counter claim was filed by the defendant on 13th March, 2019, which was subsequently, not pressed by the defendant voluntarily. Again, defendant woke up on 16th November, 2019, with a fresh written statement containing counter claim, which is relatable two events held in the year 1983, 1987 and 1991, pertaining to some nonsuited property.

There is specific provision contained in the Code of Civil Procedure permitting defendant to furnish

written statement within certain period of time. The unusual delay caused in filing counter claim, and that to at the stage of adducing evidence of the defendant would definitely cause unnecessary delay to the disposal of the suit.

Upon perusal of the impugned order, this Court finds no justification to interfere with the interim order.

The revisional application stands dismissed accordingly.

This would not however, prevent the petitioner to take appropriate action in accordance with law for a separate/different cause of action, if there be any, in accordance with law.

The pending suit may be disposed of expeditiously as possible without causing any unnecessary adjournment, unless it is extremely unavoidable.

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.)