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C.O. 2803 of 2022

**Smt. Alpana Manna
Vs
Sri Ranjit Manna & Ors.**

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal

... For the petitioner.

Mr. S. Bhattacharya
... for the opposite party nos. 2 to 4

Petitioner assails order dated 15th July, 2022 passed by the learned Civil Judge (Senior Division), 10th Court, Alipore in Title Suit No.1 of 2013 accepting the written statement with a delay of nine years.

Mr. Sounak Bhattacharya, learned advocate appearing for the petitioner submits that there has been no explanation given as regards the delay caused in filling the belated written statement, without which the written statement should not be accepted.

Taking recourse to the provision of Order 8 Rule 1 C.P.C., learned advocate appearing for the petitioner submits that even the harassment caused to the petitioner could not be taken care of, while accepting the belated filing of the written statement.

Per contra, Mr. S. Bhattacharya, learned advocate appearing for the opposite parties submits that it is a suit for partition, and for the proper adjudication of the controversy, suit should be decided in a contested manner upon accepting the written statement. There is

sufficient explanation offered in a separate application as to why delay was caused in filing the written statement.

Having considered the submission of both sides, it appears that the principal grievance of the petitioner is against the acceptance of written statement belatedly filed without even granting any compensatory cost.

Upon perusal of the impugned order, it appears that written statement has already been accepted, and suit has been set for preemptory hearing. No doubt some harassment caused to the petitioner for the belated filing of the written statement, which should be adequately redressed upon saddling some costs.

The revisional application is thus disposed upon modifying the impugned order dated 15th July, 2022, with a direction upon the opposite parties to deposit cost of Rs. 6000/- (Six thousand) to the petitioner within a fortnight from the date of communication of this order.

Both the parties are directed to make communication of this order to the learned court below.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)

