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sandip  
Ct. 18  
18.04.2022

**C.O. No. 4030 of 2019**

**Sm. Subhadra Das  
Vs.  
Sri Srinibash Das & Ors.**

Mr. Sandip Das                      ... For the petitioner.

Affidavit-of-service filed on behalf of the petitioner  
be kept with the record.

None appears on behalf of the plaintiff/opposite  
party no. 1 in spite of service.

The order impugned since was passed on the  
prayer of the opposite party no. 1. Service of notice of  
the revisional application upon the other opposite  
parties is not necessary, as such dispensed with, the  
revisional application is taken up for final disposal.

The instant application under Article 227 of the  
Constitution of India is at the instance of the  
defendant no. 1 in a suit for declaration of title and  
injunction which is directed against the Order No. 26  
dated July 30, 2019 passed by the learned Civil Judge  
(Senior Division) at Kakdwip, District – 24 Parganas  
(South) in Title Suit No. 104 of 2019.

The learned Trial Judge by the Order No. 14 dated  
April 12, 2016 allowed the prayer of the plaintiff for  
amendment of the plaint, consequently the defendants  
were granted leave to file additional written statement.

The petitioner could not file the said additional  
written statement within 14 days from the date of

allowing the application for amendment of the plaint, as such, filed an application on May 06, 2017 seeking extension of time to file the said additional written statement on the ground that documents required to file the said additional written statement was not available.

The learned Trial Judge by the order impugned has dismissed the said application.

It appears from the order allowing the amendment of the plaint that the learned Trial Judge has recorded requirement of the said documents for effective disposal of the dispute between the parties, therefore the prayer of the petitioner for extension of time to file the additional written statement was on a valid ground.

The order impugned for the aforesaid reason is set aside. The petitioner is required to file the said additional written statement within two weeks from date.

C.O. 4030 of 2019 is allowed with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)