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C.O. 3873 of 2022

**Dr. Shaikat Gupta
Vs
Goutam Sarkar & Ors**

Mr. Aniruddha Chatterjee,
Mr. Debjit Mukherjee,

... For the petitioner.

While assailing the impugned order dated 14th October, 2022 passed by West Bengal State Consumer Disputes Redressal Commission, Kolkata in Complaint Case No. CC/191/2012, Mr. Aniruddha Chatterjee, learned advocate being assisted by Mr. Debjit Mukherjee, learned advocate, submits that due to some personal inconvenience of the opposite party No. 1 being petitioner in this case, who is a reputed Cancer Specialist in the city of Kolkata, the reply supposed to be filed on the scheduled date, could not be filed, and as a result of which the opportunity to file reply by the petitioner has been closed, causing a prejudice to the petitioner/opposite party No. 1.

Mr. Chatterjee without making any further elaboration on such issue innocuously proposes for accepting the reply, already filed by the petitioner, on the date, said to be scheduled on 11th January, 2023, in order to subserve the purpose of justice.

The innocuous proposal made by Mr. Chatterjee,

if accepted, would not cause any prejudice to the opposite parties, when there has been already direction requiring petitioner to furnish reply, and in the event of reply being accepted, though belatedly filed, there will be nothing to contribute delay to the disposal of the referred complaint case mentioned hereinabove.

There is no further scope for any elaboration.

The revisional application stands disposed of upon setting aside the impugned order dated 14th October, 2022 passed in Complaint Case No. CC/191/2012 by West Bengal State Consumer Disputes Redressal Commission, Kolkata, with a direction to consider the reply upon its acceptance, filed by the petitioner, on the date scheduled, giving the petitioner an opportunity to represent his case in context with the reply already filed.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

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

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

(Subhasis Dasgupta, J)

