

M/L 44
21.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 163 of 2024

Jitendra Kumar Dalmia

Vs.

M/s. Satyam Infra & Ors.

Mr. Debdut Mukherjee
Mr. Gaurab Kumar Das
Mr. Joydeb Brahmachari
Mr. Uttam Kr. Bhattacharya

...for the Petitioner.

Ms. Rajyashree Chowdhury
Ms. Sudipta Bera

...for the Opposite Parties.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiff in a money suit which is directed against order no.16 dated December 4, 2023 passed by the learned Judge, XIth Bench, City Civil Court at Calcutta in the said suit being Money Suit No.717 of 2021.

The learned Trial Judge by the order impugned has allowed the prayer of the defendants, the opposite parties herein for amendment of the written statement with a counter-claim.

The defendants have failed to file the written statement within the stipulated time however such written statement was filed within the time extended by the court.

The learned Trial Judge has allowed the defendant to set up a counter-claim *de hors* the provision of Order VIII Rule 6A of the Code of Civil Procedure, the order impugned, therefore is not sustainable and is accordingly set aside, consequently the application for amendment of the written statement filed by the defendants is dismissed.

CO 163 of 2024 is disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)