

05.08.2024
(M/L-08)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 550 of 2024

Shambhu Nath Bhattacharya

-Vs-

Sri Gobinda Bhattacharya & Ors.

Mr. Sounak Bhattacharya,

Mr. Sounak Mondal,

Mr. Abhirup Halder,

... For the Petitioner.

The instant application under Article 227 of the Constitution of India is at the instance of the Plaintiff in a suit for declaration of title and permanent injunction, and is directed against the Order No. 14 dated August 25, 2023 passed by the 2nd Court of learned Civil Judge (Junior Division) at Baruipur, District: 24-Parganas (South) in the said suit being *Title Suit No. 571 of 2021*.

The learned Trial judge by the order impugned has accepted the belatedly filed written statement subject to payment of costs of Rs. 1,000/- (Rupees one thousand).

Mr. Bhattacharya, learned advocate for the petitioner submits that the defendant no.1 earlier had filed a written statement but withdrew it, and subsequently, all the defendants jointly have filed a written statement changing the entire complexion of the earlier written statement filed by the defendant no.1 but the learned Trial Judge by the order impugned has accepted the same.

There were defects in verification of the written statement filed by the defendant no.1 earlier. The learned Trial Judge in exercise of his discretion has permitted the defendants to rectify the said defects and to file a fresh written statement; the defendants have availed the said permission.

This Court does not find any illegality and/or infirmity in exercise of such discretion by the learned Trial Judge warranting interference with the order impugned.

C.O. 550 of 2024 is thus dismissed 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)