

13.06.2024
Item No.05, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2034 of 2024

**Soumitra Chakraborty
-Vs-
Mousumi Chakraborty**

Mr. Supratik Basu,
Ms. Urbi Roy.
.....for the petitioner.

Mr. Kishore Mukherjee.
.....for the opposite party.

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 injunction and is directed against Order No. 28 dated May 17, 2024 passed by the learned Additional Civil Judge (Junior Division) at Sealdah in the said suit being Title Suit No. 306 of 2021.

The learned Trial Judge by the order impugned, allowing the prayer of the defendant/opposite party, has taken the suit off from the ex-parte Board and has accepted the written statement belatedly filed subject to payment of costs of Rs. 2000/- .

The learned advocate for the petitioner submits that the defendant has not offered any explanation justifying the delay in filing the written statement.

It appears from the record that the defendant, to justify the delay in filing the written

statement has offered a feeble explanation that steps could not be taken for filing of the written statement within the time stipulated due to ongoing examination of her son.

Be that as it may, this Court is not inclined to interfere with the discretion exercised by the learned Trial Judge in accepting the written statement, but the costs imposed must be realistic, the same is assessed at **Rs.10,000/-** to be paid to the plaintiff within two weeks from date, in default of such payment within the said period, the suit shall proceed ex-parte against the defendant.

C.O. 2034 of 2024 is disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)