

S/L 6
25.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2052 of 2024

Sri Partha Sarathi Gupta
Vs.
Sri Indrajit Gupta

Mr. Siddhartha Lahiri
Mr. Subhashis Saha
Mr. Debraj Dutta

...for the Petitioner.

Mr. B.N. Ray

...for the Opposite Party.

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

This matter has been brought to the list at the instance of the petitioner for extension of interim order, but by consent of the parties, it is taken up for final disposal.

The defendant in a suit for partition is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against order no.13 dated April 18, 2024 passed by the 3rd Court of learned Civil Judge (Senior Division) at Barasat, District: 24 Parganas (North) in the said suit being *Title Suit No.413 of 2021*.

The learned Trial Judge by the order impugned has refused to accept the belatedly filed written statement. The delay was of five months.

Though there was no application for acceptance of the said Written Statement but considering the nature of the suit and the length of delay, the order impugned is set aside, subject to payment of costs of Rs. 5000/- by the petitioner to the opposite party **within two weeks from date**.

CO 2052 of 2024 is accordingly disposed of.

The learned Trial Judge is requested to expedite the disposal of the suit.

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 of all requisite formalities.

(Biswajit Basu, J.)