

01.08.2024
Item No.8, DL
Ct.19
A.J.

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

C.O. 2704 of 2024

Chinmoy Mondal & Ors.

-Vs-

Bithendra Nath Dey

Mr. Kaustav Banerjee.
...for the petitioners.

The present application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a Money Suit and is directed against Order No.11 dated May 16, 2024 passed by the learned Civil Judge (Senior Division) at Kandi, District : Murshidabad in the said suit being Money Suit No. 82 of 2018.

The learned Trial Judge by the order impugned has accepted the belatedly file written statement on payment of costs of Rs. 500/-.

It appears from the order impugned that the learned advocate for the plaintiff had consented such acceptance subject to payment of costs.

Learned advocate for the petitioners submits that the plaintiff never consented to such acceptance rather his application under Order VIII Rule 1 of the Code of Civil Procedure was pending as on the date of acceptance of the said written statement.

The law is well settled, if any concession and/or agreement is recorded in an order, to dispute the correctness of such recording, the concerned Court is to be approached.

In view of such, this Court is not inclined to interfere with the order impugned.

It is made clear that this order will not prevent the petitioners to take appropriate steps before the learned Trial Judge.

C.O. 2704 of 2024 is disposed of 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.)