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11.09.2024

In The High Court At Calcutta
Civil Revisional Jurisdiction
C.O. No. 3201 of 2024
Shibaprasad Patra & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath ... For the petitioners.

The plaintiffs in a suit for declaration and injunction are the petitioners of the instant application under Article 227 of the Constitution of India, which is directed against the Order No. 15 dated July 05, 2024 passed by the learned Civil Judge, (Junior Division) at Paschim Medinipur, in the said suit being Title Suit No. 122 of 2022.

The learned Trial Judge by the order impugned has accepted the belatedly filed written statement by the defendants subject to payment of costs of Rs. 500/-.

Learned advocate for the petitioners submits that the witness action in the suit has started, at this stage the learned Trial Judge should not have allowed the defendants to file written statement.

The length of delay in filing the written statement is not too long, besides the defendants are the State authorities, under such circumstances the learned Trial Judge in exercise of his discretion, has accepted the said belatedly filed written statement.

The discretion so exercised does not appear to be arbitrary and/or capricious, as such this Court is not inclined to interfere with the order impugned.

C.O. 3201 of 2024 is disposed of with the above observations without any order as to costs.

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.)