

Item No.7
04.03.2024
Court. No. 19
GB

C.O.3878 of 2023

Shib Sankar Majumder
VS
Farha Naaz Sharif & Anr.

Mr. Abhijit Ray,
Mr. Santu Nandy,
Md. Ayaan

...for the Petitioner.

Mr. S.R. Islam

...for the Opposite Parties.

By the order impugned dated July 27, 2023, passed by the learned Judge, 5th Bench, City Civil Court at Calcutta in Title Suit No.10 of 2018, the learned court accepted a belated written statement, upon imposition of cost of Rs.2,000/-.

Mr. Ray, learned advocate appearing on behalf of the plaintiff submits that the cost has not been deposited and the suit is being unnecessarily dragged. It is further submitted that the application for acceptance of the written statement was filed sometime in 2022, although it is the contention of the defendant no.1 that the written statement was filed on September 7, 2018.

Having perused the order impugned and the certified copy of the order as produced by the learned advocate for the defendants, it appears that the written statement was filed by the defendant no.1 on September 7, 2018, which was the date fixed for filing of the same. The order-sheet records such fact.

In my opinion, belated filing of an application for acceptance of such written statement does not change the situation. The defendant no.1 had filed the written statement

on the returnable date and the learned court had recorded such filing.

Under such circumstances, the order impugned does not call for any interference. However, if the cost as directed by the court, is paid, the defendant no.1 will be allowed to participate in the proceeding in accordance with law. Although it is submitted by the defendant no.1 that Rs.2,000/- cost had been deposited in court, the receipt is not before this Court. Thus, the learned trial judge will verify the same.

It is made clear that the suit shall proceed expeditiously and be disposed of within a year, mandatorily. A lot of time had been wasted between the filing and acceptance of the written statement. Unnecessary adjournments shall not be granted to any of the parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)