

IA No: GA 1 of 2024
APOT No. 173 of 2024
with
CS No. 135 of 2023
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

Amit Bhar & Ors.
Versus
Dhananjoy Bhar

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 30th July 2024

Appearance:
Mr. Pranit Bag, Advocate
Mr. Debdatta Saha, Advocate
Mr. Tapas Saha, Advocate
Mr. S. Dewany, Advocate
for the appellants

Mr. Sabyasachi Choudhury, Advocate
Mr. Rajarshi Dutta, Advocate
Mr. Shounak Mukhopadhyay, Advocate
Mr. Sayantan Bose, Advocate
Ms. Ankita Choudhury, Advocate
for the respondent

The Court: Order in terms of prayer (a) of the stay petition.

Chapter XI Rule 2 of the Original Side Rules provides for an application to be made by the defendant for extension of time to file the written statement.

Mr. Sabyasachi Choudhury, learned advocate appearing for the plaintiff is right in his submission that the learned judge had no materials on the basis of which he could extend the time to file the written statement. The prayer for extension of time was made orally before the court.

In those circumstances, we find no infirmity in the judgment and order dated 3rd April 2024.

For the ends of justice we give an opportunity to the defendant to make an application under Chapter 9 Rule 2 of the Original Side Rules before the learned single judge within two weeks from date.

If such application is made the learned judge is requested to consider the same as early as possible, not later than four weeks from the date of filing thereof preferably.

The appeal (APOT 173 of 2024) and the connected application (IA No: GA 1 of 2024) are disposed of accordingly.

As affidavits were not invited, allegations contained in the stay application are deemed to have been not admitted.

(I. P. MUKERJI, J.)

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(BISWAROOP CHOWDHURY, J.)

R. Bose