

30.04.2025.
14
Ct.No.7.
as

C.O.750 of 2025

Mrs. Chinmoyee Roy
Vs.
Avirup Das

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Anirban Saha Roy.
...for the Petitioner.

Mr. Anirban Roy.
...for the Opposite Party.

1. The present revisional application has been filed challenging the legality and propriety of the order dated 31st January 2025 passed by the learned Civil Judge, (Sr. Divn.), 2nd Court in Title Suit no. 245 of 2024. By that order, the application filed by the defendant/opposite party, seeking a direction upon the plaintiff to serve the documents referred to in the plaint and intended to be relied upon at the time of trial, was allowed. A date, i.e., 8th May 2025, was fixed for the plaintiff to supply those documents to the defendant and for filing the written statement

2. Mr. Bhattacharya, learned advocate appearing for the plaintiff/petitioner, submits that the learned Court below acted in contravention of the legislative mandate enshrined in Order 8 Rule 1 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the Code') by extending the time granted to the defendant/opposite party for filing the written statement. He submits that although a catena of

decisions of the Hon'ble Supreme Court has held that the provision under Order 8 Rule 1 of the Code is directory in nature, the time for filing a written statement cannot be extended for an indefinite period, thereby enabling a litigant to waste judicial time and delay the administration of justice. Accordingly, he contends that the order impugned in this revisional application is unsustainable in law.

3. Mr. Roy, learned advocate appearing for the defendant/opposite party, seeks to justify the defendant's failure to file the written statement by contending that no documents have been served upon the defendant in compliance with the order dated 31st January 2025. Consequently, the defendant was unable to prepare and file the written statement.

4. In reply, Mr. Bhattacharya points out that the next date for filing the written statement has been scheduled for 8th May 2025. He further submits that the petitioner is ready with the relevant documents and is willing to hand them over to Mr. Roy even today.

5. In view of the above conspectus, the present revisional application is disposed of with a direction upon the plaintiff/petitioner to serve copies of the documents referred to in the plaint to Mr. Roy, learned advocate representing the defendant/opposite party, on or before 2nd May 2025. The defendant is directed to file the written statement positively on 8th May 2025.

6. It is imperative to clarify that the acceptance of the documents by Mr. Roy shall be deemed to constitute acceptance by the defendant himself.

7. Needless to observe that the learned Court below shall make every sincere endeavour to dispose of the suit as expeditiously as possible, without granting unnecessary adjournments to either party.

8. There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)