

D/L- 24
28/08/2025
Ct. No.-6
Aritra

C.O. 1921 of 2025
Sumantra Sengupta
Vs.
Subhajit Ghosh & Anr.

Mr. Supratick Syamal
Ms. Mohona Das

....for the petitioner

Mr. Shubham Gupta
Mr. Anirban Ghosh
Mr. Rajsekhar Bal Bakshi

....for the opposite parties

Though this matter is appearing under the heading 'Extension of Interim Order' but with the consent of the learned advocates for the respective parties the main civil revision application is taken up for final hearing by treating the same as on the day's list.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated March 5, 2025 passed by the learned Judge, 10th Bench, City Civil Court at Calcutta in Title Suit No.356 of 2024.

By the order impugned the prayer of the petitioner to file the written statement stood closed.

The learned advocate appearing for the petitioner submits that since the petitioner filed an application under Order 7 Rule 11 of the Code of Civil Procedure and the same was pending for considerable period of time, the written statement could not be filed within the stipulated time limit. He further submits that immediately after the

application under Order 7 Rule 11 of the Code of Civil Procedure stood rejected, the petitioner sought for permission to file the written statement which stood rejected by the impugned order.

The learned advocate appearing for the opposite party submits that pendency of an application under Order 7 Rule 11 of the Code of Civil Procedure cannot be a ground for extension of time to file the written statement after expiry of the prescribed period of limitation. He, however, submits that if this Court permits the petitioner to file the written statement the opposite party should be compensated for the delay in filing the written statement.

It is not in dispute that the petitioner filed an application under Order 7 Rule 11 of the Code of Civil Procedure praying for rejection of the plaint. Such application stood rejected only on October 4, 2024. The petitioner, thereafter filed an application praying for permission to file the written statement which stood rejected by the impugned order. Since the petitioner prayed for rejection of the plaint and the application under Order 7 Rule 11 of the Code of Civil Procedure was rejected on October 4, 2024 and immediately thereafter the petitioner filed an application praying for extension of time to file the written statement, this Court is inclined to allow the petitioner to file the written statement subject to payment of cost.

The petitioner shall be permitted to file the written statement on or before the next date fixed in the suit subject to payment of cost of Rs.5000/- to the opposite party on or before the next date fixed in the suit. If the cost as aforesaid is paid and the petitioner files the written statement on the next date, the same shall be accepted by the learned trial judge.

With the above observations and directions, CO 1921 of 2025 stands allowed.

It is however, made clear that in the event the petitioner fails to file the written statement and pay the cost within the time limit as indicated hereinbefore, this order shall automatically stand recalled without any further reference to this Court and the civil revision application shall stand dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)