

06.05.2025
DL.164

Court No. 652
sg

CO 2035 of 2023

**Rohit Kumar Gupta
Vs.
Amit Sankar Sanyal**

Mr. Amrita Lal Dhar
....for the petitioner.

Mr. Rahul Karmakar
Mrs. I. Kundu
....for the opposite party.

Present petition has been filed challenging the order no. 06 dated 16th February, 2023 whereby the learned Trial Court refused to accept the written statement being filed by the defendant/petitioner on the ground of having been filed beyond the prescribed period and no explanation for not filing within the time.

Order VIII Rule I CPC specifically provides that the written statement has to be filed within 120 days except in the exceptional cases.

During the course of submission learned Counsel for the opposite party submits that the defence of the defendant/petitioner has already been struck up under Section 7 (2) of the West Bengal Premises Tenancy Act, 1997, vide order dated 20th September, 2022 and this order has not been challenged by the defendant/petitioner.

Since the defence of the defendant/petitioner has already been struck up in the eviction suit, the present petition loses its relevance and has become infructuous.

Accordingly, petition is 'dismissed as infructuous'.

Learned Trial Court is directed to proceed with the matter in accordance with law expeditiously.

(Dinesh Kumar Sharma, J.)