

Sl.33
24.09.2025
Court No.6
BP

C.O. 3532 of 2025

The District Magistrate, Purba Medinipur & Ors.
-versus-
Naru Gopal Makur & Ors.

Mr. Uttam Kumar Bhattacharya
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order dated 4th August, 2025 passed by the learned Judge, Commercial Court at Alipore in Money Suit (Com) No. 129 of 2024.

By the order impugned the application filed by the petitioners praying for acceptance of the written statement filed at a belated stage stood rejected.

The learned advocate appearing for the petitioners submits that for unavoidable reasons the petitioners could not file the written statement within the statutory period and the written statement may be directed to be accepted upon condonation of such delay.

It is not in dispute that the defendants received the summons on April 23, 2024 and filed the written statement on October 4, 2024. Admittedly the written statement was filed after 164

days from the date of service of summons. The learned trial judge after taking note of the provisions of Order 8 Rule 1 read with Order 8 Rule 10 of the Code of Civil Procedure applied the proposition of law laid down by the Hon'ble Supreme Court in SCG Contracts (India) Private Limited Vs. K.S. Chamankar Infrastructure Private Limited reported at 2019 SC 2691 and rightly held that in a suit relating to commercial dispute of a specified value pending before the commercial court, the written statement cannot be accepted after expiry of 120 days from the service of summons. The learned trial judge was right in rejecting the prayer of the petitioners for acceptance of the written statement filed beyond the period of 120 days from the service of summons. The impugned order does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India.

Accordingly, C.O. 3532 of 2025 stands dismissed.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)