

Item No. 16
10.12.2025
Court. No. 6
GB

C.O. 4046 of 2025

Sarama Roy
Vs.
Sri Shyam Sundar Das & Ors.

Mr. Dyutiman Banerjee,
Mr. Krishnendu De,
Mr. Debjit Dutta

...for the Petitioner.

Mr. Soumyajit Mukherjee

...for the Opposite Parties.

1. This revisional application arises out of an order dated November 15, 2025, passed by the learned Civil Judge (Junior Division), 4th Court at Serampore, Hooghly in Title Suit No.45 of 2016.
2. By the order impugned, the learned court rejected an application under Order 8 Rule 9 of the Code of Civil Procedure for acceptance of the additional written statement, on the ground that the High Court had directed expeditious disposal of the suit and although the additional written statement was on record none moved the same.
3. It appears from the records that the additional written statement was filed on September 1, 2025 in compliance of the order dated August 13, 2025 passed by the High Court. It also appears that two other applications, one under Order 14 Rule 3 and the other under Order 18 Rule 17 of the Code of Civil Procedure were also filed by the defendant and both the applications stood rejected without assigning any reasons.

4. I find from the records that the additional written statement was already on record. Thus, the rejection of the said application was erroneous and rejection of the other two applications without any reason were also erroneous. The additional written statement was filed pursuant to a liberty granted by the High Court in C.O.2588 of 2025 within the time specified by the Court. Under such circumstances, the question of moving the application did not arise. In any event, the said additional written statement shall be accepted by the court and the plaintiffs shall be granted opportunity to file rejoinder or a replication to the same. With regard to the dismissal of the other two applications, this Court is of the view that reasons should have been assigned by the court and thus, the said applications are revived to its original file and number and the plaintiffs shall be allowed to file their objection, if not already filed and the applications shall be disposed of expeditiously. The court is requested to dispose of the suit expeditiously upon disposal of the pending applications.
5. Accordingly, the application is disposed of.
6. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)