

11.11.2025
Ct. No. 30
SL No. **57**
MKP

CO 4025 of 2023

Raj Kumar Rout

Vs.

Tata Motors Ltd And Ors

Mr. Supratick Syamal

..... for the Petitioner

Mr. Sambrita B. Chatterjee

..... for the O.P no.1

Mr. Aniruddha Chatterjee, Sr.Adv.

Mr. Ankit Das

..... for the O.P no.2

- 1.** The revisional application has been preferred challenging order No.92, dated 06.10.2023 passed by the Learned Judge, 5th Bench, City Civil Court, Calcutta, in Title Suit No.1606 of 1994.
- 2.** Vide the order under challenge the Learned Judge granted opportunity to the defendant/opposite party herein to file his written statement.
- 3.** The plaintiff being aggrieved with the said order has preferred the revision prayed for setting aside of the said order.

4. On hearing the Learned Counsel for the parties and on perusal of the materials on record, it appears that vide order No.89 dated 17.07.2023 passed in title suit No.1606 of 1994, the Learned Judge recalled and vacated an order of ex parte hearing subject to payment of cost.
5. Admittedly, the plaintiff/petitioner did not challenge the said order setting aside the order fixing the suit for ex parte hearing.
6. Considering the fact that, the order fixing the Title suit for ex parte hearing was set aside, the Court in it's wisdom vide the impugned order permitted the defendant to file his written statement.
7. It appears that the period for filing written statement as per Civil Procedure Code has expired. But considering that this matter has been pending since 2023 before the High Court and in the interest of natural justice, the defendant/opposite party herein is permitted to file his written statement before the trial court within 15 days from the date of this order and the trial court shall then proceed to dispose of this title suit which is pending since 1994 expeditiously, preferably

within a period of one year from the date of the said order.

8. It is made clear that in case the defendant fails to file the written statement as directed by this Court, the trial court shall proceed with the hearing of the suit for ensuring its disposal as directed without waiting any further for the defendant to file his written statement.

9. The revisional application stands **disposed of.**

10. Applications, if any, connected thereto stand disposed of consequently.

11. Interim order, if any, stands vacated.

12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]