

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/251/2025
IA NO: GA/1/2025

THE PRESIDENT, GANGA JAMUNA FLAT OWNERS ASSOCIATION AND ORS.
VS
ANNAPURNA COMMERCIAL COMPANY LIMITED

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK
AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date : December 22, 2025.

Appearance:

Mr. Aurin Chakraborty, Adv.
Mr. Anwar Hossain, Adv.
Mr. Rajesh Upadhyay, Adv.
...for the appellants.

Mr. Biswanath Chatterjee, Adv.
Ms. Anuradha Poddar, Adv.
Mr. Nilesch Chowdhury, Adv.
...for the respondent.

The Court: Appeal is directed against a judgment and order dated August 2, 2025, disposing of two applications in the suit.

Learned Single Judge considered the application of the plaintiff to seek extension of time to lodge the writ of summons. The learned Single Judge also considered the application under Order VII Rule 11 of the Code of Civil Procedure, 1908, filed at the behest of the appellant/defendant seeking dismissal of the suit.

By the impugned judgment and order, the learned Single Judge allowed the plaintiff to lodge the writ of summons. Learned Single Judge, however, compensated the defendant by directing costs to be paid.

Since, the parties in this appeal agree to enhance costs being paid by the plaintiff, it would be appropriate to dispose of the appeal in such manner.

The respondent will pay aggregate costs assessed at Rs.2,50,000/-, out of which Rs.50,000/- was already paid in accordance with break-up directed by the impugned judgment and order. The balance of Rs.2,00,000/- will be paid to the appellant within two weeks from date.

We are informed that, the writ of summons was already lodged and that, the same was served.

Since, the costs are enhanced by agreement and the time to pay the enhanced cost is also enhanced by agreement, interest of justice would be subserved by extending the time to file written statement by the appellant.

In such circumstances, written statement may be filed on or before January 22, 2026 as prayed for.

We clarify that we did not enter into the merits. This order is passed by consent of the parties.

APOT/251/2025 is disposed of accordingly.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)