

Item No.290
30.01.2026
Court. No. 6
GB

C.O. 127 of 2025
With
CAN 1 of 2026

Arijit Saha
Vs.
Mahua Bhattacharjee

Mr. Malay Dhar

...for the Petitioner.

Mr. Srikanta Dutta

...for the Opposite Party.

1. This revisional application arises out of an order dated November 29, 2025, passed by the learned Civil Judge (Senior Division), 7th Court at Alipore in Title Suit No.582 of 2019.
2. By the order impugned, the learned court allowed an application filed by the defendant upon accepting the causes shown as to why the written statement could not be filed within time. A petition for vacating the order by which the suit was fixed for ex parte hearing was also allowed. The learned court was of the view that although the law mandated that the written statement should be filed within 120 days from receipt of summons but, the delay in filing the written statement was on account of the learned advocate. So, the learned court was of the view that the litigant should not suffer if the learned advocate had failed to prepare the written statement within time. According to the court, the right of the

defendant to contest the suit could not be curtailed. Moreover, this is not a commercial suit. The filing of a written statement within 120 days from receipt of summons is not a mandatory provision. The learned court exercised jurisdiction, accepted the reasons as to why the written statement could not be filed within the statutory period and accepted the written statement upon payment of cost of Rs.2000/-.

3. It is submitted that the cost was tendered by the defendant but, the petitioner refused to accept the same. An application was filed to deposit the cost in court. Such prayer of the defendant is allowed. Cost of Rs.2000/- shall be deposited in court within a period of three weeks from date and the learned court shall proceed with the hearing of the suit. In case of default, the suit shall proceed ex parte.
4. Accordingly, the revisional application and the connected application are disposed of.
5. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)