

04.02.2026
SL No.72
Court No.6
(gc)

CO 736 of 2025

**G.C. Acaju Exim Private Limited & Ors.
Vs.
Chief Manager/Branch Manager,
Punjab National Bank, Contai Branch & Ors.**

Mr. Masud Mallik

.....for the Petitioners.

Mr. Abhishek Banerjee,
Ms. Parna Roy Choudhury,
Ms. Payel Ghosh,
Ms. Trisa Chanda

...for the Opposite Party Bank.

1. The petitioners are aggrieved by an order dated December 21, 2024 passed by the learned Civil Judge (Sr. Divn.), 1st Court (In-Charge) at Contai. By the order impugned the learned Court vacated the order by which the suit was directed to proceed *ex parte* against the defendant no.1. The Court was of the view that there was a *bona fide* mistake on the part of the defendant no.1, in not filing the written statement on the dates stipulated by the Court.
2. This is a finding of fact, which this Court cannot interfere with. This is not an appeal. The power of the superintending court is to keep a check and balance on the Courts and Tribunals under it.

3. Here, the learned Trial Court exercised discretion and allowed belated filing of the written statement upon imposition of cost of Rs.500.
4. It appears from record that the plaintiffs were before the Court with an application for amendment and sufficient time had been consumed in litigating on the said application. Thus, the loss and injury caused to the petitioners can be compensated upon payment of cost.
5. Justice demands that all parties should have adequate opportunity to contest any proceeding.
6. Vital issues are involved in the suit. It also appears that the plaintiffs are the borrowers and their loan account was declared as NPA. The bank had taken steps under the SARFAESI Act. This is a nationalized bank and deals with public money. Thus, if the bank is not allowed an opportunity to contest the suit, in that event, not only will the bank suffer, but such losses to the bank may affect the economy.
7. Under such circumstances, the Court had neither acted illegally nor with material irregularity in allowing the bank to contest the suit. However, this Court finds that imposition of cost of Rs.500/- is inadequate, considering the delay.
8. Under such circumstances, cost of Rs.30,000/- shall be paid by the bank to the petitioners within a period of three weeks from date. If such cost is paid and the

learned Trial Judge is satisfied as to the payment of cost, the suit shall proceed on contest. It is made clear that unnecessary adjournments shall not be granted to either of the parties and the suit shall be disposed of on its own merits in accordance with law.

9. In the event of refusal to accept the cost, the same shall be deposited in Court.
10. This court has only restricted its observations to the merits of this application.
11. Accordingly, the revisional application is disposed of.
12. There shall be no order as to costs.
13. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)