

12.05.2026
Ct. No.6
Sl. No.13
skg

**C.O. 787 of 2026
With
CAN 1 of 2026
And
CAN 2 of 2026**

**Piyali Das Rana
Vs.
Dip Rana**

Mr. Dhananjoy Banerjee,
Mr. Tanmoy Khan,
Mr. Partha Sarathi Mishra,
Mr. Archan Dutta,

...for the Petitioner

Mr. Surhid Sur,

...for the opposite party

1. This revisional application is directed against an order dated February 17, 2026 passed by the learned Additional District Judge, Fast Track 1st Court, Hooghly Sadar in Mat Suit No. 131 of 2025 whereby the petitioner's request for acceptance of the written statement filed by her has been declined.
2. Matrimonial suit no. 131 of 2025 has been instituted by the opposite party against the petitioner seeking a decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Upon service of summons, the petitioner entered appearance in the said suit on June 27, 2025 and prayed for time to file written statement. Such time was granted and August 4, 2025 was fixed for filing written statement.

3. The petitioner prayed for further extension of time on August 4, 2025 as also on September 2, 2025 whereafter, October 24, 2025 was fixed for filing written statement.
4. On the said date too the petitioner prayed for an adjournment. Such prayer was refused and the case was fixed for an ex parte hearing on December 10, 2025.
5. The petitioner thereafter filed an application praying for acceptance of the written statement filed by her as well as for taking the suit off the ex parte board. The petitioner's application was taken on record and time was granted to the opposite party to file written objection thereto fixing February 17, 2026 as the next date therefor.
6. On February 17, 2026 the petitioner's prayers for acceptance of written statement and taking the suit off the ex parte board were rejected. Hence the present revisional application.
7. Mr. Banerjee, learned Advocate appearing for the petitioner submits that the petitioner could not put in the written statement within the time fixed by the learned Trial Court since talks of settlement were going on between the parties.
8. It is further submitted that the petitioner put in the written statement immediately after the talks of

settlement failed. He submits that the petitioner was initially expectant that the talks of settlement would fructify and the need for filing written statement would not arise and as such there was a delay in filing the written statement before the learned Trial Court. He further submits that although the order dated October 24, 2025 has not been specifically mentioned as being challenged in the cause title and prayer of the revisional application, the certified copy thereof has been annexed to the revisional application and urges this Court to condone the technical defect and entertain the challenge to the said order dated October 24, 2025 as well.

9. Mr. Sur, learned Advocate appearing for the opposite party submits that while the petitioner has averred, in the application praying for acceptance of the written statement filed belatedly, that talks of settlement were going on, the petitioner has filed an application under Section 498(A) of the Indian Penal Code against the opposite party during the same time.
10. He further submits that in any case, the petitioner's prayer for acceptance of written statement can only be considered if the petitioner is able to demonstrate that the petitioner was prevented by sufficient cause from filing the written statement within the time prescribed under Order 8 Rule 1 of the Code of Civil

Procedure, 1908 or the time fixed by the learned trial Court. In support of his contention he relies on the judgments of the Hon'ble Supreme Court in the case of ***Bharat Kalra v. Raj Kishan Chabra*** reported at **2022 SCC OnLine SC 613** and ***Atcom Technologies Ltd. v. Y.A. Chunawala & Co. & Ors.*** reported at **(2018) 6 SCC 639**.

11. While it has been submitted that the petitioner has instituted the criminal case against the opposite party under Section 498(A) of the Indian Penal Code by Mr. Sur, the learned Advocate appearing for the petitioner submits that such case was instituted immediately prior to the filing of the written statement. To be precise, while FIR was lodged on December 2, 2025, the written statement was filed on December 10, 2025.
12. Heard the learned Advocates appearing for the respective parties and considered the materials on record.
13. It cannot be contested that although the provision of Order 8 Rule 1 of the Code have been held to be directory, yet that does not mean that a defendant in a suit would walk in at any point of time and file written statement according to its whims without offering proper explanation therefor.

14. In the instant case, the petitioner has filed the application belatedly and has cited ongoing talks of settlement as the reason for the delay. It is noted that despite opportunity to file written objection thereto the same has not been contested or denied by the opposite party by filing any written objection which is strongly suggestive of the fact that the ground cited by the petitioner may not be entirely baseless.

15. In view of the aforesaid it does not appear that the petitioner's case for seeking condonation of delay/extension of time to file written statement is wholly unfounded. This Court is therefore inclined to allow the petitioner an opportunity to get its written statement accepted. **Bharat Kalra** (supra) and **Atcom Technologies Ltd.** (supra) would not aid the opposite party in the present case since the petitioner has offered a somewhat plausible explanation to the delay occasioned.

16. However since the proceeding is one for divorce and the written statement is being filed after a delay of 49 days after expiry the statutorily extendable period of 120 days, this court is of the view that justice would be sub-served if the written statement filed by the petitioner is allowed to be accepted subject to payment of costs to the tune of Rs.5,000/-. Such cost must be paid within two weeks from date. If

such costs are paid, within a time specified hereinabove, the learned Trial Court shall accept the written statement and proceed with the suit in accordance with law.

17. It is made clear that if costs are not paid as directed, the written statement filed by the petitioner shall not be accepted.
18. Subject to payment of costs as aforesaid the order dated October 24, 2025 and order dated February 17, 2026 stand set aside. The suit shall taken off the ex parte board and be heard on merits if the costs are paid as aforesaid. It is clarified that if costs as directed are not paid the aforesaid orders shall revive.
19. The learned Trial Court is requested to dispose of the Mat suit no. 131 of 2025 as expeditiously as possible preferably within a period of eight months from the date of framing of issues.
20. C.O. 787 of 2026 stand disposed of. Since the revisional application has itself been disposed of the interim applications being CAN 1 of 2026 and CAN 2 of 2026 also stand disposed of accordingly. No costs.
21. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)