

27.02.2026
Court No. 06
Item No. 10
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 1120 of 2025

Sri Souvik Kumar
-Versus-

Sri Joydeb Dutta & Anr.

Mr. Bikram Banerjee,
Ms. Sinjini Chakrabarti
.....for the petitioner
Mr. Debdipto Banerjee,
Mr. Soumen Banerjee
.....for the O.P. No. 1.

- 1) The petitioner is aggrieved by an order dated March 3, 2025 passed in Title Suit No. 219 of 2022 by the learned Civil Judge (Senior Division) at Sealdah.
- 2) By the order impugned, the learned Court accepted the written statement filed by the defendant no. 1, upon imposition of costs of Rs. 2,000/-.
- 3) Mr. Banerjee, learned advocate for the petitioner submits that the order was erroneous. Once the Court had rejected a prior attempt of the defendant no. 1 to file a written statement upon showing cause for the delay and requesting the Court to vacate the order by which the suit had been fixed for ex parte hearing, the said Court could not accept such show cause by the order impugned and also accept the written statement.
- 4) According to Mr. Banerjee, the circumstances did not change from the earlier situation. He further submits that the delay was being caused intentionally, as a dilatory

tactic. He further submits that the defendant no. 2 has not yet filed the written statement. I also do not find from the record that the defendant no. 2 had at any point of time attempted to file a written statement. Thus, the written statement that was filed by the defendant no. 1 was accepted by the Court by exercising discretion and with an opinion that the defendant no. 1 be allowed to contest the suit.

5) Under such circumstances, the revisional application is dismissed. However, cost of Rs. 5,000/- instead of Rs. 2,000/- shall be paid by the defendant no. 1 to the plaintiff. Upon Court being satisfied that such cost has been deposited in Court, the Court shall proceed with the suit upon contest by the defendant no. 1. In the event the cost is not paid, the written statement shall not be accepted. The said cost will be paid within three weeks from date. This amount will be adjusted against the cost already deposited in Court pursuant to the order impugned.

6) The cost shall be deposited in Court within three weeks. The plaintiff may withdraw the cost.

7) Accordingly, the revisional application is disposed of.

8) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)