

06.03.2026
Court No. 12
Item No. 28
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE
RVW 385 of 2025
I.A. No : CAN 1 of 2026
In
C.O. 2456 of 2025
Sri Durga Shankar Jana & Anr.
-Versus-
Sri Chandan Kumar Jana

Mr. Jayanta Das,
Ms. Soumita Ghosh
.....for the petitioners
Mr. Dilip Kumar Sadhu
....for the O.P./petitioner

- 1) The review application arises out of an order dated November 26, 2025 passed by this Court in C.O. 2456 of 2025. The review application has been filed by the opposite parties in C.O. 2456 of 2025, defendants in the suit.
- 2) The petitioner/plaintiff in the suit filed the revisional application challenging an order passed by the learned Civil Judge (Junior Division), Dantan, District – Paschim Medinipur. The learned trial Judge had accepted the belated written statement, upon setting aside the order by which the Court had fixed the suit for ex parte hearing. This court upheld the order of the learned trial judge.
- 3) The opposite parties, being aggrieved by the said order has filed the review application on the ground that, while disposing of the revisional application the Court had recorded that the suit was between the brothers. They

are also aggrieved by the enhancement of the cost to be paid to the plaintiff. It is urged that, once the plaintiff has accepted the cost of Rs. 500/- imposed by the learned trial Judge further enhancement was not permissible.

4) This Court, after analyzing the entire facts and circumstances was of the view that as the written statement was filed after two years and the suit had proceeded ex parte, the cost of Rs. 500/- was inadequate and the plaintiff should be paid a cost of Rs. 20,000/- instead of Rs. 500/-. Further review of the cost is not warranted, as this court was of the view that the delay of two years in filing the written statement should be adequately compensated.

5) While disposing of the revisional application, the Court had recorded that the suit was between the brothers. The parties are not brothers. Accordingly, the first sentence of paragraph 8 "This is a suit between the brothers" is deleted.

6) Accordingly, the review application and the connected application, if any, are disposed of. It is informed to the court that as the direction of this cost was not obeyed, the written statement was not accepted, and the suit is proceeding ex parte.

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

(Shampa Sarkar, J.)