

In the Commercial Court at Alipore
Present: Smt. Suparna Ray (JO Code: WB00711)
Money Suit 25 of 2021
Renumbered as Money Suit (Com) 40 of 2021
CNR no. WBSP18-000086-2021

Machino Techno Sales Ltd.

.....Plaintiff

Vs.

Machino Transport Pvt. Ltd & Ors.

.....Defendant

Order No. 46

12.08.2026

ORDERED

Today is fixed for consideration of the petition filed on behalf of the defendants with the prayer to accept the additional written statement and for further order.

Both parties filed their respective haziras through their respective Ld. Advocates.

Ld. Advocates of both parties are present.

Record is taken up for hearing of the said application for acceptance of additional written statement filed by the defendants. It appears that the instant application is filed by the defendants on 06.09.2025 and in this application the defendants prays to accept the additional written statement filed on behalf of the defendant nos. 1, 2 and 3 on 13.09.2024.

Ld. Advocate on behalf of the defendants submitted that this court had permitted the defendants to file additional written statement to the amended plaint and in terms of the direction of this court vide order dated 23.07.2024, additional written statement was filed.

Accordingly the Ld. Advocate on behalf of the defendants prays to accept the additional written statement.

The plaintiff filed written objection against this application filed by the defendants and in this objection, the plaintiff submitted that the defendants on 13.09.2024 filed the additional written statement, but did not file the application for acceptance of additional written statement. Thereafter, on 06.09.2025, after about 358 days, the defendants filed this

application. The delay of such 358 days shows the negligence of the defendants for filing this application for acceptance of additional written statement and it appears that the defendants is not at all interested in getting their additional written statement to be accepted by this court. Accordingly, the plaintiff prays to reject the additional written statement filed by the defendants and also prays to reject the instant application considering the conduct of the defendants.

I heard Ld. Advocate of both sides.

I perused the instant application, written objection to this application and other materials on record.

It appears that the prayer of amendment of plaint on behalf of the plaintiff was allowed by this court vide order no. 34 dated 07.06.2024 and, thereafter, the defendants was directed to file additional written statement, if any, vide order no. 35 dated 23.07.2024. The defendants filed the additional written statement on 13.09.2024 and the instant application is filed by the defendants thereafter on 06.09.2025 ie. after a considerable period of time. But no explanation is given by the defendants in the instant application for their delay.

However, considering the facts and circumstances and for ends of justice, I am inclined to accept the prayer of the defendants as mentioned in the instant application dated 06.09.2025. **Let the additional written statement filed by the defendants on 13.09.2024 be accepted and taken on record on condition of payment of costs of Rs. 3000/- to be paid by the defendants to the DLSA, South 24- Parganas at Alipore.**

The instant application filed by the defendants on 06/09/2025 is, thus, disposed of on contest.

Fix **19.11.2026 at 10:45 a.m** filing money receipt by the defendants, as order and for further order.

Both parties to come ready.

Parties to act on the basis of the downloaded copy of this order from the Website/Ecourts App.

Dictated & corrected by me,

Sd/-

*Judge, Commercial Court at Alipore,
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram*

Sd/-

*Judge, Commercial Court at Alipore,
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram*