

Money Suit (Commercial) – 03/2026
CNR No. : WBBD17-000010-2026
J.O. Code : WB00795

Order No. - 06

Dated – 29/07/2026

Today stands fixed for affidavit of service.

Both the plaintiff and the defendant file their haziras through their respective Ld. Advocates.

Defendant files affidavit of service in respect of service of written statement upon the plaintiff.

Defendant also files an application for acceptance of WS, which is duly supported by an affidavit. Let the application be registered as I.A. No.04 of 2026. Defendant files affidavit as per Order XI Rule 1 of the C.P.C sworn by the partners.

Defendant also files an application under Order VII Rule 11 of the C.P.C along with annexures. The application is registered as I.A. No.05 of 2026. Copies of the applications have been served upon the Ld. Advocate for the plaintiff.

Ld. Advocate for the defendant submits that the notice was served upon the defendant on 30/03/2026 and the defendant uploaded the WS on 25/07/2026 and as such the WS has been filed within a period of 120 days and prays for acceptance of the same under the provision of *proviso* to Order VIII Rule 1 of the C.P.C.

Ld. Advocate for the plaintiff submits that the defendant could not file the WS within the statutory period of 30 days and as such heavy cost may be imposed.

Having heard the submissions of both sides and considering the affidavit of service it appears that the defendant was served with the notice on 30/03/2026 and the WS has been uploaded on 25/07/2026, which suggests that the WS could not be filed within 30 days by the defendant but the defendant has filed the WS within 120 days and as such in view of provision of *proviso* to Order VIII Rule 1, the WS may be accepted as sought for in the application for acceptance of the written statement.

Accordingly, WS filed by the defendant is accepted.

I.A. No.04 of 2026 is thus disposed off.

Defendant is at liberty to file objection if any, in respect of application under Order VII Rule 11 being I.A. No.05 of 2026 by the next date.

Fix **24/08/2026** for **hearing**.

Objection, if any in the mean time.

D/C by me.

Judge, Commercial Court
Asansol

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Asansol