

Title Suit 278 of 2025

Present: Sri Sanjoy Kumar Das, Judge, Bench-V (WB00627)

Order No.53/ Dated 14.05.2026

Today is fixed for hearing injunction application and acceptance of written statement.

Both parties filed hazira.

Heard Ld. Advocate for both sides regarding acceptance of written statements filed by defendant nos. 1, 2 and 3 separately.

Perused the materials on record.

Plaintiffs filed this suit for declaration, specific performance, confirmation of possession and permanent injunction on 18.02.2025.

Defendant no.1 filed written statement with counter claim on 08.08.2025. Defendant no. 2 filed written statement on 11.12.2025 and defendant no. 3 also filed written statement on 11.12.2025.

Admittedly the above three written statements were filed beyond the prescribed period. During the course of hearing Ld. Advocate for the defendants prayed for accepting the written statements condoning the delay.

On the other hand, Ld. Advocate for the plaintiff vehemently opposed the same by relying on the decisions reported in 2024 SCC Online Mad 4785 and (2020) 2 SCC 708.

Considering the entire facts and circumstances of the case and also having regards to the provisions of law it is found that in Commercial Suit written statement must be filed within 120 days from the date of service of summons and it is strictly mandatory.

In non-commercial suit court has the discretion to accept written statement beyond the prescribed period but with reasons.

Instant case is a suit for declaration, specific performance, confirmation of possession and permanent injunction.

It is also the settled position of law that in order to provide substantial justice technicalities should not stand in the way.

Considering the circumstances this court is of the opinion that in order to provide substantial justice in the instant case the written statements filed by the defendant nos. 1, 2 and 3 should be accepted.

Accordingly, the above three written statements are accepted.

Plaintiffs are directed to take fresh steps upon the defendant no. 4.

Fix 17.07.2026 for hearing injunction application, filing requisites in respect of defendant no.4.

Ad-interim order of injunction if any, is hereby extended till the next date.

D/c by me,

Judge, Bench-V

City Civil Court, Calcutta

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