

MACC 38 of 2024

Order dated 04.09.2025

Today is fixed for filing WS by the OP No 2 as last chance.

The petitioner files appearance through legal counsel. Ld advocate for the petitioner is present.

The OP has filed application praying for further time to file WS.

Ld counsel for the petitioner does not raise vehement objection to the prayer for time filed by the OP No 2.

On perusing record it appears that the OP filed first legal appearance on 28.04.2025. However, since then WS has not been filed by the OP.

The Hon'ble High Court at Calcutta in **2021 (2) ICC 56 (Cal)** held that the time limit fixed for filing W/S under CPC is a procedural law and court can make exception for ends of justice by extending time to file W/S beyond stipulated period.

Considering the above fact, this court thinks it necessary to allow the OP No 2 to file his written statement but as last chance on payment of cost.

Hence it is

ORDERED

The OP No. 2 is allowed to file WS as last chance on payment of cost of Rs. 1000/-.

Fixing 15.12.2025 for filing WS by the OP No. 2 on payment of CP cost as last chance id exparte hearing against OP No. 2.

Addl. Dist. & Sessions Judge, F.T.C. -1,
Alipurduar.
J.O. Code W.B. 01009