

Ejectment suit 232 of 2019.

Before Smt. Chaitali Chatterjee Das:- Ld. Chief Judge.

09.

21-12-2020.

Today is fixed for hearing of petition u/s-7(2) of W.B.P T Act w/o if any in the mean time and also the petition dt:-02/01/20 for consideration of acceptance of written statement filed by the defendant on 02/01/2020.

Both parties file haziras. No w/o has been filed by the plaintiff against the petition u/s 7(2) of W.B.P T Act. On call, Ld. Advocate for the contesting parties are found present. The matter is taken up for hearing.

Ld. Advocate for the defendant has submitted that he is not ready with the challans as such verbally prays for another date for hearing of petition u/s 7(2) of W.B.P T Act.

He also moves another petition dt 02/01/20 wherein the defendant has prayed for acceptance of written statement and submitted due to mis-calculation of the date on the part of the Ld. Advocate for the defendant, w/s could not be filed within time and there was a delay of only two or three days in filing of the same. The delay on the part of the defendant was not at all intentional. As such, by filing the instant application, defendant is praying for acceptance of the w/s so that the defendant can contest the suit.

On the other hand, Ld. Advocate for the plaintiff submits that if the w/s is accepted, then the plaintiff is entitled to cost.

Heard both sides, perused the petition and materials on record.

Record reveals that plaintiff has not filed any written objection against the instant petition of the defendant. Record reveals that as per bailiff report, summons were served upon the defendant on 21-08-2019 and the defendant has entered appearance in the suit on 17-09-2019 and the written statement was filed on 20-01- 2020. So, the contention that there is a delay of 2/3 days is not correct. The fact remains that X-Mass vacation started on and from 23-12-2020 and w/s has been filed on 02/01/2020.

The ground cited for the delay in filing w/s is mis-calculation of date of the part of the Ld. Advocate for the defendant.

I find the reason is plausible enough. It is also well settled principle in the eye of law that a litigant should not be penalized for the

mistake on the part of his Ld. Advocate and unless the instant petition is allowed, the defendant will not be able to contest the suit.

As such, for ends of justice, I am inclined to allow the prayer of the defendant without any cost. Accordingly, the petition dt 20/01/2020 filed by the defendant is considered and allowed. Written statement filed by the defendant dt:-20-01-2020 is accepted. Case is adjourned for this day.

To 05/02/2021 for hearing of petition u/s-7(2) of W.B.P T Act w/o if any in the mean time .

Cj.

Chief Judge.