

Ej. Suit No. 361 of 2023
CIS No. WBPS01-000740-2023

Order No. 11
13.01.2025

Today is fixed for appearance of the parties.

Both sides filed hazira through their Ld. Lawyers.

Defendant has filed one petition this day praying for modification of the order dated 21.11.2024 passed by the Ld. Chief Judge, Presidency Small Cause Court, Calcutta.

Copy served upon the other sides.

Heard on behalf of the both sides.

Perused the petitioner and other materials on record.

Considered.

Now the record is taken up for hearing of the petition filed by the defendant this day.

The defendant submitted that he has been imposed to pay cost of Rs. 3000/- for accepting the written statement which was filed beyond the prescribed period of limitation. The defendant submit that the defendant lost his parents in 2023 and 2024 respectively and his daughter is also suffering from jaundice since September, 2023. There has been huge medical expenses in the past years and he is facing financial hardships at present. Further the business of the defendant is not running smoothly and, as such, prays for modification of the order dated 21.11.2024 thereby reducing the cost as imposed.

The Ld. Lawyer for the plaintiff vehemently objected such prayer of the defendant.

It appears that the defendant had received summons on 03.01.2024 but submitted the written statement only on 21.11.2024 and, as such, the cost of Rs. 3000/- had been imposed upon the defendant. The defendant had filed written statement after a considerable period of the expiry of the prescribed period for filing written statement. The defendant though gave various reasons but did not file any documents to support his contention. The cost imposed is neither disproportionate to the negligent conduct of the defendant in filing his written statement.

In view of the above, there is no merit in the application of the defendant filed this day hence the same is hereby rejected on contest.

Fixing **21.02.2025** for hearing of the petition u/s 7(2) of the WBPT Act, 1997.

Dictated and corrected by me:

Judge

Smt. Glady Bomjan
(J.O. Code: 01039)
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta