

OCD-15

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/12/2025
IA NO: GA-COM/2/2025, GA-COM/3/2025

PRAVIN UTTAM JADAV
VS
M/S SENCO JEWELLERS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : July 25, 2025.

Appearance:

Mr. Sunil Kumar Singhanian, Adv.
Ms. Kalpana Singhanian, Adv.
... for the plaintiff

Mr. Siddhartha Shankar Sarkar, Adv.
Ms. Gargi Roy, Adv.
... for the defendant

1. The defendant has filed an application being GA-COM/3/2025 praying for acceptance of written statement.
2. Counsel for the defendant submits that the defendant had received the writ of summons on 12th March, 2025 and after receipt of the writ of summons, the defendant had contacted the Learned Advocate and found that the Learned Advocate was at Bengaluru for treatment of his wife. Accordingly, the defendant had contacted the Learned Junior Advocate of Mr. Siddhartha Shankar Sarkar and as per instruction, the defendant has provided the documents and on receipt of documents, the written statement was prepared. By that time, the time to file written statement of thirty days has been completed.
3. He submits that though the defendant has not filed the written statement within the period of thirty days but has affirmed the affidavit

of written statement on 23rd May, 2025 i.e. within the outer period of 120 days.

4. He further submits that as per the leave granted by this Court, the defendant has submitted the written statement in the department subject to outcome of the present application.
5. Learned Counsel for the plaintiff raised objection and submitted that no cause has been shown as to why the defendant has not filed the written statement within the period of thirty days.
6. Counsel for the plaintiff further submits that the defendant only to cause delay in the suit has not filed the written statement within the specific period and as such the application filed by the defendant is liable to be dismissed.
7. Heard Learned Counsel for the respective parties. Perused the materials on record. The defendant has admitted that the writ of summons was served upon the defendant on 12th March, 2025 but the defendant could not file the written statement within the period of thirty days.
8. It is the specific case of the defendant that after receipt of the writ of summons, the defendant has contacted the advocate but the Advocate was at Bengaluru for treatment of his wife. Subsequently, as per the advice of the Advocate, he has contacted the Learned Junior Advocate and all the documents have been provided but the written statement was not affirmed within thirty days but was affirmed within the outer period of 120 days.
9. Considering the above, this Court finds that the defendant has shown sufficient cause for non filling of the written statement within the period of thirty days but has filed the written statement within the

outer period 120 days and this Court is of the view that one opportunity should be given to the defendant file written statement subject to payment of costs of Rs. 5,000/- to the High Court Legal Services Authority. The written statement filed by the defendant in the department is accepted, subject to scrutiny by the department. The defendant is directed to show proof of payment of cost to the Learned Master within a week from date.

10. GA-COM/3/2025 is disposed of.
11. The plaintiff has filed an application under Order 13A of the Code of Civil Procedure as under the Commercial Courts Act praying for summary judgment.
12. Counsel for the plaintiff has filed the affidavit of service showing that the copy of the application being GA-COM/2/2025 along with the documents has been served to the defendant by speed post on 29th April, 2025. The Learned Counsel for the defendant submits that he has instruction that the defendant has not received the copy of the application.
13. Considering the above, the plaintiff is directed to serve an extra copy of the GA-COM/2/2025 along with documents to the Learned Counsel appearing for the defendant in course of the day.
14. The defendant is at liberty to file an affidavit-in-opposition within two weeks; reply, if any, thereto be filed within a week thereafter.
15. Let the matter appear on 19th August, 2025.

(KRISHNA RAO, J.)