

In The High Court at Calcutta
[Commercial Division]
Original Side

IA NO. GA/3/2025
In CS-COM/41/2025

THE NEW INDIA ASSURANCE COMPANY LIMITED
VS.
HDFC BANK LIMITED

BEFORE :
THE HON'BLE **JUSTICE ANIRUDDHA ROY**
Date : 17th December, 2025.

Appearance :
Mr. Sayantan Bose, Adv.
... for the defendant.

The Court :- Mr. Sayantan Bose, learned Advocate appearing for the defendant submits that the application has been taken out on **December 16, 2025** which according to him is the 118th day from the date of service of summons. The defendant is praying for extension of time to file its written statement beyond the mandated 30th day from the date of service of summons as provided under the amended provisions of Order VIII of Rule 2 of CPC.

The matter has been mentioned and considering the urgency in the matter, the matter has been placed in the supplementary list.

On perusal of the application and the records, it appears that by a bonafide mistake the application was filed with a non-commercial number and unless the same is converted into a commercial application by renumbering the same following the Rule, the defendant may suffer

irreparable prejudice, as after 120th day the right of the defendant to file written statement will be forfeited under the Law.

In view of the above, for the ends of justice, the Department is directed to convert it into the commercial interlocutory application by renumbering the same in accordance with the Rule in course of the day, as if this application has been filed on **December 16, 2025**.

(ANIRUDDHA ROY, J.)

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