

OCD-9

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA No. GA-COM/3/2024
In CS-COM/669/2024

M/S S.G. KAREL AND SONS JEWELLERS PVT. LTD.
VS
M/S MADAN LAL AGARWALLA JEWELLERS AND ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : September 24, 2024.

Appearance:

Mr. Gunjan Shah, Adv.
Ms. Shreya Agarwal, Adv.
... for the plaintiff

Mr. Pranay Mukherjee, Adv.
Mr. Pourush Bandyopadhyay, Adv.
... for the defendant no.4

The Court: Mr. Gunjan Shah, learned Advocate, is appearing for plaintiff.

Mr. Pourush Bandyopadhyay, learned Advocate, is appearing for the defendant no.4.

Defendant no.4 has filed the present application being GA-COM/3/2024 praying for condoning the delay of two days for filing the written statement.

Counsel for the defendant no.4 submits that the writ of summons was served upon the defendant on 14th July, 2024 and the defendant was supposed to file the written statement by 14th August, 2024 but it was affirmed on 16th August, 2024 and as such there is a delay of two days. As

there is a delay, the written statement was not accepted. Accordingly, the defendant no.4 has filed the present application on 30th August, 2024 for acceptance of the written statement by condoning the delay of two days.

Heard learned counsel for the respective parties. Perused the application and the materials on record.

It is found that the writ of summons was served upon the defendant no.4 on 14th July, 2024 and the defendant no. 4 has affirmed the written statement on 16th August, 2024 after the delay of two days but has affirmed the affidavit within the extended time of 120 days and the defendant no.4 has filed the present application for condoning the delay and acceptance of the written statement within the extended time of 120 days.

Considering the above, this Court finds that sufficient cause has been shown for non-filing of the written statement within 30 days but affirmed the written statement within the extended period of 120 days and the application has been filed within the extended period of 120 days.

In view of the above, GA-COM/3/2024 is allowed.

The defendant no.4 is granted leave to file the written statement within a week from date.

The department is directed to accept the written statement, if any, filed by the defendant no.4 subject to scrutiny.

(KRISHNA RAO, J.)