

ORDER SHEET

IA NO. GA/3/2021

In

CS/142/2020

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

ANUMATI CONSULTANCY AND SERVICES PRIVATE LIMITED  
AND  
WELLSIDE GLOBAL PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date : 26<sup>th</sup> February, 2021.

(Via Video Conference)

Appearance:

*Mr. Samik Kr. Chakraborty, Adv.*

*Mr. M. Khaitan, Adv.*

*Mr. S. Manot, Adv.*

The Court: By this application, the defendant in a commercial suit seeks extension of time to file written statement.

Learned Advocate appearing for the defendant submits that, the writ of summons was served on the defendant on January 21, 2021. The defendant made the present application within 30 days from the date of service of the writ of summons. He submits that, there are voluminous documents which are required to be considered at the time of filing of the written statement. The written statement is presently ready for the same being settled by the senior advocate. He seeks two weeks' time.

Learned Advocate appearing for the plaintiff, on query from Court, submits that, the Court may deal with the application in accordance with law.

The provisions relating to filing of written statement, so far as it applies to a suit in the Commercial Division of the High Court, is mandatory. The defendant in a commercial suit gets 30 days to file written statement from the date of service of writ of summons. Such period can be extended for a further period of 90 days, subject to the Court recording reasons with regard thereto and subject to the defendant paying costs thereof.

In the facts of the present case, the defendant received the writ of summons on January 21, 2021. The present application for extension of time to file written statement was made within 30 days from the date of receipt of such summons. A period of 120 days from the date of receipt of the summons by the defendant is yet to expire.

According to the defendant, by reason of voluminous documents being involved and by reason of the draft yet to be settled by the learned senior advocate, the written statement could not be filed within the initial period of 30 days from the date of receipt of the service of writ of summons.

In such circumstances, in my view, interest of justice should be subserved by accepting the causes shown by the defendant by extending the time to file the written statement for a period of three weeks from date, subject to the defendant paying costs assessed at Rs.25,000/- to the West Bengal State Legal Services Authority, Kolkata.

(DEBANGSU BASAK, J.)