

In the High Court at Calcutta
Commercial Division
Original Side

IA No. GA-COM/2/2025
In CS-COM/64/2025

MAHARSHI COMMERCE LIMITED
VS
ABDUL REHMAN KURESHI

BEFORE:
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : February 25, 2026.

Appearance:
Mr. Rohit Banerjee, Adv.
Mr. Sagnik Mukherjee, Adv.
... for the plaintiff

Mr. Gaurav Purkayastha, Adv.
Ms. Sushmita Choudhury, Adv.
... for the defendant/petitioner

The Court : This is a commercial suit.

This is an application filed by the defendant praying for extension of time to file written statement beyond the mandated **30 days** but within the mandated **120 days** from the date of service of writ of summons, as mandated under the amended **Rule 1 to Order VIII of CPC, 1908**.

On the prayer of Mr. Rohit Banerjee, learned Advocate appearing for the plaintiff, time to file affidavit in opposition stands extended till today. The opposition filed in Court today is taken on record. Copy has been served.

Mr. Gaurav Purkayastha, learned Advocate appearing for the defendant submits that his client shall not use any affidavit in reply and shall proceed on the basis of the existing record.

The report of the office of the Deputy Sheriff dated **December 1, 2025** shows that the writ of summons was served and delivered upon the defendant through Speed Post with AD on **July 18, 2025**. Personal service could not be effected.

30 days from the date of service of writ of summons expired on **August 17, 2025** and the **120 days** had expired on **November 15, 2025**. The application has been filed on **November 15, 2025** on the **120th day** itself.

For commercial suit, the defendant has a right to pray for extension of time to file written statement upon obtaining extension subject to satisfaction of the Court beyond **30 days** from the date of service of writ of summons but not beyond the **120 days** from the date of service of writ of summons.

In an adversarial litigation, to file the written statement in answer to the plaint is a vested right of the defendant unless, the same is taken away by law. This is inconformity with the elementary principle of natural justice so that the defendant can get the fullest opportunity to defend its case.

On a meaningful reading of the amended **Rule 1 to Order VIII of CPC, 1908**, this Court is of the view that the Court has discretion and power to extend the time beyond the mandated **30 days** but not beyond the mandated **120 days**, provided causes shown in the application filed by the defendant are satisfactory to the Court, then the Court may exercise its jurisdiction judiciously.

On perusal of the averments made in the supporting affidavit in support of the Master's Summons, it appears to this Court that the causes

shown in the application are just, cogent and sufficient, as to why the defendant could not file its written statement within the mandated statutory period. The time can be extended for the ends of justice also.

In view of the above, time to file written statement by the defendant stands extended subject to payment of costs of **Rs.50,000/-** to be paid in favour of **Calcutta High Court Legal Services Committee**, positively within **three weeks** from date. Upon production of the money receipt before the department, if the written statement is filed in terms of this order, the same shall be taken on record and the suit register shall be reflected accordingly.

On the above terms, this application **IA No. GA-COM/2/2025** stands **allowed**.

(ANIRUDDHA ROY, J.)

RS