

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO. GA/2/2025
In CS/144/2024

RATNA CHOWDHURY AND ORS
Vs
DIBYENDU CHOWDHURY

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 16th September, 2025.

Appearance:

Mr. Anirban Kar, Adv.

Mr. Munshi Ashiq Elahi, Adv.

Mr. Rohit Mahato, Adv.

...for the plaintiffs

The Court: This is an application by the plaintiffs for judgment on admission, inter-alia, under the provisions of Order XII Rule 6 of the Code of Civil Procedure, 1908 (CPC) in a suit for Partition and Accounts.

The plaintiffs say that despite the writ of summons having been served no written statement has been filed as yet though the defendant has entered appearance on 5th November, 2024. The plaintiffs have already obtained a certificate of non-filing of the written statement for proceeding with the suit as an undefended suit. Even if no written statement has been filed in an application for judgement on admission where the application if allowed leads to passing of a decree, the defendant should be given an opportunity to disclose their stands on affidavit.

The defendant remains unrepresented. However, the matter is taken up in their absence as the Court intends to pass directions for affidavits to expedite the matter.

Affidavit-in-opposition shall be filed by 31st October, 2025; reply if any, by 21st November, 2025.

Let the matter appear in the monthly list of December, 2025.

The plaintiffs are directed to communicate this order to the defendant and/or his Advocate.

(ARINDAM MUKHERJEE, J.)

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