

ORDER SHEET

OC-77

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

CS/182/2021
IA No. GA/1/2021, GA/5/2022

NARSINGH ISPAT LIMITED
VERSUS
JWALA COKE INDUSTRIES

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th November, 2022.

Appearance:

Mr. Reetobrata Mitra, Adv.

Mr. Anirban Kar, Adv.

For the plaintiff.

Mr. Tapas Banerjee, Sr. Adv.

Ms. Suparna Mukherjee, Adv.

Mr. Shayak Mitra, Adv.

Ms. Triptimoy Talukdar, Adv.

For the defendant.

The Court :- It is submitted on behalf of the defendant that after filing of the written statement several documents have been disclosed. The defendant, therefore, requires to file an additional written statement to deal with the documents subsequently disclosed as they have a direct bearing on the issues involved in this suit. On behalf of the plaintiff it is submitted that pursuant to leave of Court obtained in presence of the advocate for the defendant, additional documents were disclosed by the plaintiff subsequent to the filing of the written

statement. The defendant has taken inspection of the additional documents and, in fact, after taking inspection has itself disclosed further documents.

After hearing the parties, the proper course, which is required to be followed in the matter is to direct the defendant to file an application seeking leave to file additional written statement stating the reasons for requirement of the same. However, in the instant case, the plaintiff in order to expedite the suit agrees to allow the defendant to file an additional written statement within a specific time frame as according to the plaintiff by allowing the defendant to make a formal application and to have the same hear will consume time which in effect will delay the hearing of the suit.

Considering the fair stand taken by the plaintiff, the defendant is permitted to file the additional written statement by 15th December, 2022 and serve a copy of the additional written statement immediately upon the plaintiff. In the additional written statement no admission, if any made in the written statement should not be taken away. The defendant can take additional defence but shall not change the stand already taken on the written statement.

Since inspection has already been concluded and the defendant has already affirmed and served a copy of the affidavit of admission and denial of the documents, the plaintiff shall by 22nd December, 2022 affirm and serve an affidavit of admission and denial of documents.

Let this suit appear in the monthly list of January, 2023 when the parties shall bring their respective suggested issues.

All pending applications in the suit shall appear in the monthly list of December, 2022 irrespective of the fact that the suit is adjourned and has been directed to appear in the monthly list of January, 2023.

(ARINDAM MUKHERJEE, J.)

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