

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION

IA No. GA/1/2026

In

CS No. 70 of 2025

KARNANI PROPERTIES LIMITED  
VERSUS  
RAJESH NARAYAN

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 23<sup>rd</sup> March, 2026.

Appearance:

Mr. Neelesh Choudhury, Adv.

Ms. Anuradha Poddar, Adv.

Mr. Arik Banerjee, Adv.

Mr. S. K. Mohiuddin, Adv.

The Court:- In a suit for eviction filed in respect of a residential flat/unit bearing No. 234 at the second floor of premises No. 25A, Park Street, Kolkata 700016 (hereinafter referred to as the demise premises), the sole defendant has taken out an application for extension of time to file the written statement. The plaintiff objects to the prayer of the defendant mainly on the ground that 120 days have surpassed from the receipt of the writ of summons.

The writ of summons was served on 31<sup>st</sup> July, 2025.

Under the amended provisions of the Code of Civil Procedure, 1908 (in short, `CPC'), the time to file the written statement is 30 days from the date of receipt of the writ of summons, within such time as the Department has indicated in the writ of summons. There is no maximum limit or cut-off date in respect of extending the time to file the written statement in case of a suit filed in the Ordinary Original Civil Jurisdiction. The cap of 120 days applies to a Commercial Suit filed under the provisions of Commercial Courts Act, 2015 (hereinafter referred to as the 2015 Act.) as held in the case of **SCG Contracts India (P) Limited V. K.S. Chamankar Infrastructure (P) Limited** reported in **2019 (12) SCC 210**.

In a suit filed in the Ordinary Original Civil Jurisdiction if the Court is satisfied then it has the authority to extend the time to file the written statement even beyond 120 days.

In the instant case, the grounds for condoning the delay and extending the time to file the written statement as contained in paragraphs 3 to 15 though may not exactly satisfy the grounds required to be shown as held in **2025 SCC Online SC 1969 (Shivamma (Dead) by Lrs. vs. Karnataka Housing Board & Ors.)** for condoning the delay but broadly satisfies the test for which the defendant was prevented by sufficient cause from filing the written statement.

Considering such fact and for the ends of justice, let the written statement be filed within 31<sup>st</sup> March, 2026 subject to payment of costs assessed at Rs.30,000/-, out of which Rs.15,000/- to be paid to the plaintiff

and the balance sum of Rs.15,000/- to be paid to the State Legal Services Authority, West Bengal.

The written statement will be accepted only after ascertaining payment of costs provided the same is in order and proper form and filed within the extended period of time. A legible copy of the written statement along with annexures thereto, if any, be served on the learned Advocate-on-Record for the plaintiff immediately after being filed.

The application being IA No. GA/1/2026 in CS No. 70 of 2025 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

snn.