

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/3/2025
In CS-COM/730/2024

SHEKHAR AGARWAL
Vs
KAUSHAL KADEL

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : 15th September, 2025.

Appearance:
Mrs. Saroj Tulsian, Adv.
Mr. Sudipta Das, Adv.
Mrs. Anamika Das Maity, Adv.
...for the plaintiff

Mr. Rittick Chowdhury, Adv.
Mr. Niladri Banerjee, Adv.
Ms. Somasrita Kar, Adv.
...for defendant

1. The defendant has filed the present application being GA-COM/3/2025 praying for extension of time to file written statement.
2. Learned Counsel for the defendant submitted that father of the defendant has received writ of summons on 7th March, 2025 as the defendant was at abroad for the business purpose. When the defendant returned back to India on 12th March, 2025, immediately the defendant has contacted the learned advocate to represent the defendant. The Advocate on record of the defendant has instructed the defendant to bring all documents so as to enable the learned Advocate to prepare written statement. By that time the 30 days for filing of the written

statement was over due to which the written statement could not be filed.

3. Counsel for the defendant submitted that though the defendant could not file the written statement within a period of 30 days but has affirmed the written statement and filed the same with the leave of this Court on 4th July, 2025, that is, on 120th day. Counsel for the defendant submitted that as the defendant has filed the written statement within 120th days that is, within the outer period as prescribed the law and prays acceptance of the written statement.
4. Per contra, learned Advocate appearing for the plaintiff raises objection and submitted that the defendant has not shown any cause for non filing of the written statement within the period of 30 days and he prays for rejection of the application.
5. Heard learned Counsel for the respective parties. Perused the materials on record.
6. This Court finds that the defendant has categorically stated that when the writ of summons was served upon the defendant, the defendant was not in India and the same was served upon the father of the defendant. Immediately, when the defendant returned back from the abroad, he has contacted the advocate and as per the instruction of the advocate, the defendant had searched all the relevant documents which requires in the present suit. By that time the 30 days time was over. Though the defendant has not filed the written statement within the period of 30 days but has filed on the 120th days.

Thus, this Court finds that one opportunity should be given to the defendant to file written statement subject to payment of cost of Rs.5,000/-to the High Court Legal Service Authority.

7. The defendant is directed to pay the cost of Rs.5,000/- to the High Court Legal Service Authority within a week from date.
8. The Department is directed to accept the written statement subject to scrutiny by the Department and the defendant is directed to produce the evidence before the learned Master for payment of cost as directed by this Court. The defendant is also directed to serve the copy of the written statement to the learned Counsel for the plaintiff within a week from date.
9. GA-COM/3/2025 is disposed of.

(KRISHNA RAO, J.)