

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

IA NO. GA 1 OF 2023
IN
CS 210 OF 2021
IN THE MATTER OF:
SETUKRIT PROPERTIES LIMITED
VS.
CALCUTTA STREET ADVERTISING PRIVATE LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 25th July, 2023.

Appearance:

Mr. Avinash Kankani, Adv.

Mr. Suman Majumder, adv.

For plaintiff

Mr. Raul Karmakar, Adv.

Mr. Sounak Mukherjee, Adv.

Mr. Apurba Barman Mullick, Adv.

Ms. Ishita Kundu, Adv.

For defendant nos.1-3

The Court : This is an application for extension of time to file the written statement. The suit is filed in the Ordinary Original Civil Jurisdiction and, as such, the rigours of order limit of 120 days in filing the written statement is not as applicable to a suit filed in the Commercial Division are not strictly applicable. However, that does not given the defendant a leverage to approach the Court for leave to file the written statement after 523 days as in the instant case.

The suit was filed on 1st October, 2021. The writ of summons has been served on the defendant on 9th December, 2021. The written statement was

required to be filed within 21 days from the receipt of the writ of summons under the provisions of Rule 5 of Chapter VIII of the Original Side Rules of this Court, inasmuch as all the defendants reside and/or carry on business within the municipal limits of the town of Kolkata or within 30 days as provided in Order VIII of the Code of Civil Procedure, 1908. The defendant did not file written statement within such time as was provided in the writ of summons, the defendant at the highest can get exemption of about 90 days i.e., from 9th December, 2021 to 28th February, 2022 due to pandemic. The explanation given in the application in support of the delay in filing the written statement is unsatisfactory, yet, for the ends of justice, the defendant is permitted to file its written statement within 7th August, 2023 subject to payment of cost assessed at Rs.15,000/-. Out of the said cost of Rs. 15,000/-, Rs.10,000/- shall have to be paid to the plaintiff and the balance Rs.5,000/- to be paid to the High Court Legal Services Committee. The payment of cost is a pre-condition for filing the written statement.

The department if approached within the extended period of time shall first ensure that the cost has been paid and only thereafter the written statement has to be in proper form and order shall be accepted. Immediately after the filing of the written statement a copy thereof shall be served on the plaintiff.

Nothing further remains to be adjudicated in this application.

The application being GA 1 of 2023 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)