

OD-22

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

IA NO:GA/4/2024
CS/91/2023

TARIT KUMAR MAITRA
-VS-
TARUN KUMAR MOITRA AND ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : August 08, 2024.

Appearance :

Mr. Pallab Kumar Mitra, Adv.
Mr. Koushik Bhatta, Adv.
Ms. Kritika Jain, Adv.
...For the plaintiff

Mr. Meghnad Dutta, Adv.
Mr. Arindam Paul, Adv.
Ms. Debarati Das, Adv.
Mr. Rudrani Saha, Adv.
...For the defendant No.1

Mr. Kaunish Chakrabarti, Adv.
Mr. Kh. Samiul Haque, Adv.
Mr. Rahul Naskar, Adv.
...For the defendant No.2

The Court: Mr. Pallab Kumar Mitra, learned Counsel, is appearing for the plaintiff, Mr. Meghnad Dutta, learned Counsel, is appearing for the defendant No.1 and Mr. Kaunish Chakraborti, learned Counsel, is appearing for the defendant No.2.

Counsel for the defendant No.1 has filed the present application being GA/4/2024 praying for condoning the delay of one day for filing written statement and counter-claim in compliance of the order passed by this Court dated 19th June, 2024.

On the previous occasion, the defendant No.1 has filed an application being GA/2/2024 praying for extension of time to file written statement and accordingly, by an order dated 19th June, 2024, this Court has granted three weeks time to the defendant No.1 to file written statement along with the counter-claim. Now, the defendant No.1 has filed the present application and submits that due to non-availability of required court fee, the defendant No.1 was not in a position to file the written statement due to which one day delay has been caused for filing the written statement and prayed for condoning one day delay for filing written statement.

Learned Counsel for the plaintiff has raised objection and draw the attention of this Court to the statement made in the present application wherein it is mentioned that on receipt of the writ of summons the defendants has got the written statement ready by 14th April, 2024 but this Court has passed an order on 19th June, 2024 granting three weeks time to file written statement along with the counter-claim but the reasons best known to the defendant No.1, the defendant No.1 has not filed the written statement along with the counter claim though it was ready before the extension was granted by this Court on 19th June, 2024.

Considered the submissions made by the Counsel for the respective parties. Perused the application.

Counsel for the defendant No.1 has handed over the copy of the written statement along with the counter-claim which was affirmed on 11th July, 2024.

As this Court has initially granted three weeks time to the defendants but the defendants have not complied with the order by filing the written statement along with the counter-claim within the prescribed time as extended by this Court by an order dated 19th June, 2024.

Accordingly, this Court is of the view that some condition is to be imposed upon the defendant No.1 for accepting the written statement. The written statement along with the counter-claim is accepted, subject to payment of cost of Rs.5,000/- to the State Legal Services Authority within a week from date. The department is directed to accept written statement along with the counter-claim if the cost is paid to the Legal Services Authority within one week from date subject to verification.

GA/4/2024 is disposed of.

The defendant No.1 is also directed to serve the copy of the written statement to the Counsel for the plaintiff.

If the copy of the written statement is handed over to the learned Counsel for the plaintiff, the plaintiff is at liberty to file the additional written statement along with the counter-claim within four weeks from the date of receipt of written statement along with counter-claim.

List the matter on 11th September, 2024.

(KRISHNA RAO, J.)

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