

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

IA NO: GA/12/2025

IN

CS/190/2024

HEMANT KANORIA AND ANR.

VS

SAXENA AND SAXENA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 18th August, 2025.

APPEARANCE:

Mr. Jishnu Chowdhury, Sr. Adv.

Mr. Deepan Kr. Sarkar, Adv.(VC)

Mr. Saumalya Ganguli, Adv.

Mr. Samriddha Sen, Adv.

For plaintiffs

Mr. Dhruv Dewan, Adv.(VC)

Mr. Deepanjan Dutta Roy, Adv.(VC)

Ms. Arushi Chandra, Adv.

Ms. Sanjana Jha, Adv.

Ms. Varnika Taya, Adv.

For defendant nos. 2-20 and 22

THE COURT: It is submitted on behalf of the defendant banks that they have affirmed their respective affidavits-in-opposition between 6th August, 2025 to 14th August, 2025. There are in total 20 banks, out of which 17 banks have affirmed their affidavits. On behalf of the three left over banks being defendant nos.4, 8 and 11, an extension is sought for.

So far as the 17 affidavits are concerned, it is submitted that as there was no formal direction for filing of affidavit-in-opposition, although the matter was adjourned for filing of affidavits the same had been affirmed but could not

be filed for which the matter was mentioned.

On behalf of the plaintiffs, it is submitted that the delay in filing the affidavits is deliberate so that the banks could consider the affidavit of the auditor, namely, Saxena And Saxena being the defendant no.1 and the reply of the plaintiffs to such affidavit used by defendant no.1. The plaintiffs, therefore, say that the affidavits affirmed between 6th August, 2025 to 14th August, 2025 should not be taken on record. No further extension of time to file affidavit by the defendant nos.4, 8 and 11 should be also granted.

The defendant banks say that neither the affidavit of defendant no.1 nor the reply of the plaintiffs to such affidavit-in-opposition has been served on any of the defendant banks and, as such, the question of considering the stand of the defendant no.1 or that of the plaintiffs in reply cannot and does not arise.

This submission is again disputed by the plaintiffs.

The fact remains that the affidavits have been affirmed prior to this date and, as such, the defendant banks cannot be prevented from filing the same though the same may have been affirmed at a belated stage by adopting the dilatory tactics to consider the reply of the plaintiffs to the opposition used by defendant no.1.

The 17 numbers of the defendant banks who have used oppositions are directed to file their respective oppositions before the department in course of tomorrow (19-08-2025) by treating them to have been filed within time.

On the affidavits being filed in the department, the same should amount to taking on such affidavits on record.

The time to file affidavits-in-opposition is extended by 22nd August, 2025 failing which the said affidavits shall not be taken on record.

The plaintiffs are permitted to use their reply to the affidavits used on behalf of the 17 banks by 25th September, 2025 with a copy of the learned advocate for the concerned defendants. In the event the defendant nos. 4, 8 and 11 use their respective affidavit by 25th September, 2025, the time to file affidavit-in-reply shall also stand extended up to 25th September, 2025.

The plaintiffs have placed before this Court the affidavit-in-reply used against the affidavit-in-opposition of the defendant no.1. The said affidavit has been affirmed on 23rd July, 2025. The said affidavit shall also be filed in the department by tomorrow (19-08-2025).

Let this matter appear in the monthly list of November 2025.

(ARINDAM MUKHERJEE, J.)

Sb/