

OD-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/190/2024
IA NO:GA/4/2025

HEMANT KANORIA AND ANR
-VS-
SAXENA AND SAXENA AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: March 20, 2025.

Appearance:

Mr. Jishnu Chowdhury, Sr. Adv.
Mr. Deepan Kumar Sarkar, Adv.
Mr. Soumalya Ganguli, Adv.
Ms. Samriddha Sen, Adv.
...for the plaintiffs

Mr. Dhruv Dewan, Adv.
Mr. Deepanjan Dutta Roy, Adv.
Ms. Arushi Chandra, Adv.
Mr. Rashi Sharma, Adv.
Ms. Sanjana Jha, Adv.
...for the defendants

1. Mr. Jishnu Chowdhury, learned Senior Advocate, is appearing for the plaintiffs.
2. Mr. Dhruv Dewan, learned Advocate, is appearing for the defendants.
3. Defendant No.5 has filed an application being GA/4/2025 praying for extension of time to file written statement.

4. Counsel for the defendant No.5 submits that the writ of summons was served on 3rd January, 2025 and the defendants ought to have filed the written statement by 2nd February, 2025 but the same could not be filed but the affidavit of written statement was affirmed on 5th March, 2025 and as such there is a delay of 32 days in filing the written statement.
5. Counsel for the defendants submits that the defendant No.5 is the bank. It took time for them to collect all the documents and instructions and as such the defendants could not file the written statement within the prescribed period of 30 days but have affirmed the affidavit on 5th March, 2025.
6. Per contra, learned Counsel for the plaintiff raised objection and submits that the defendant No.5 is the bank, the bank is having all the documents in their own office but have not filed the written statement within the 30 days. He submits that defendants have not shown any cause as to why there is delay in filing the written statement and he prayed for rejection of the application.
7. Heard the learned Counsel for the respective parties.
8. This Court finds that the defendant No.5 has received the writ of summons on 3rd January, 2025 but affirmed affidavit of written statement on 5th March, 2025 and on 7th March, 2025 the defendant No.5 has filed the present application.

9. Considering the above, this Court finds that one opportunity should be given to the defendant No.5 to file the written statement.
10. Accordingly, delay of 32 days to file the written statement is allowed.
11. The defendant No.5 is directed to file the written statement by 24th March, 2025 in the department, subject to scrutiny by the department.
12. The defendant No.5 is also directed to serve the copy of the written statement to the learned Counsel for the plaintiff by 24th March, 2025.
13. GA/4/2025 is disposed of.

(KRISHNA RAO, J)