

OD-7&8

ORDER SHEET

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

CS/203/2011
IA NO: GA/5/2024

DHANANJOY BHAR
-VS-
SMT. PRATIMA BHAR

AND

CS/135/2023
IA NO: GA/1/2024, GA/2/2024

DHANANJOY BHAR
-VS-
AMIT BHAR AND ORS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: January 8, 2025.

Appearance:

Mr. Sabyasachi Choudhury, Sr, Adv.
Mr. Rajarshi Dutta, Adv.
Mr. Sayantan Bose, Adv.
Mr. Shounak Mukhopadhyay, Adv.
Ms. Manisha Das, Adv.
...for the plaintiff

Mr. Debdatta Saha, Adv.
Mr. Rhiddhiman Mukherjee, Adv.
Mr. Subhamay Dewanji, Adv.
Mr. Diprav Dev, Adv
...for the defendants

In Re : GA/2/2024 in CS/135/2023

The Court: Mr. Sabyasachi Choudhury, learned Senior Counsel, is appearing for the plaintiff.

Mr. Debdatta Saha, learned Counsel, is appearing for the defendants.

The defendants have filed the present application being GA/2/2024 in CS/135/2023 praying for rejection of plaint.

Counsel for the plaintiff as well as the defendants have concluded his argument but the Counsel for the defendants prays for time to give reply to the submission made by the counsel for the plaintiff.

Accordingly, the case is adjourned.

Let the matter appear on 22nd January, 2025 as part heard.

In Re: IA No. GA/5/2024 in CS/203/2011

Counsel for the defendants have filed the present application being GA/5/2024 in CS/203/2011 for recalling of the order dated 11th August, 2023.

Counsel for the defendants submits that after passing of the order dated 11th August, 2023, the plaintiff had filed another application being GA/4/2024 praying for extension of time to file written statement by an order dated 22nd August, 2024. The co-ordinate bench of this Court has dismissed said application.

Counsel for the defendants submits that being aggrieved by the said order dated 22nd August, 2024, the defendants have preferred an appeal and the same is pending for adjudication.

This Court finds that before the order dated 22nd August, 2024 this Court by an order dated 11th August, 2023 has placed CS/203/2011 in the list of undefended suit. Subsequently, the defendants have filed an application for extension of time to file written statement and the same is also dismissed as mentioned above. Thus, this Court is of the view by an order dated 11th August, 2023 is merged with 22nd August, 2024.

The Counsel for the defendants not pressed the present application being GA/5/2024.

Accordingly, GA/5/2024 as dismissed as not pressed.

(KRISHNA RAO, J.)

DB