

In The High Court at Calcutta
[Commercial Division]
Original Side

IA NO. GA-COM/3/2026

In

CS-COM/780/2024

M/S CHUNNILAL LAXMI NARAYAN

Vs

M/S DELTA LIMITED

BEFORE :

THE HON'BLE **JUSTICE ANIRUDDHA ROY**

Date :24th February, 2026

Appearance :

Ms. Vedika Sureka, Adv.
..for the plaintiff

Mr. Debrup Bhattacharjee, Adv.
Mr. Steven S. Biswas, Adv.
..for the defendant

The Court :- This is an application filed by the defendant praying for extension of time to file written statement in a commercial suit beyond the mandated 30 days but within the mandated 120 days from the date of service of Summons, as mandated under the amended provisions of **Rule 1 Order VIII of CPC, 1908**.

The office report of the Sheriff, taken on record, shows that the personal service of Writ of Summons had been effected on **September 22, 2025** and the postal service was effected on **October 3, 2025**. The Master's Summons has been taken out on or about **December 22, 2025** and the application has been filed on **January 5, 2026**, within the 120 days from the date of service of Summons.

Right to file written statement in an adversarial litigation is a vested right of the defendant unless taken away by some statutory provisions. The defendant must get the fullest opportunity to defend his case in accordance with law. This is also in conformity with the elementary principle of natural justice.

The reasons shown in the supporting affidavit are found to be just, cogent and sufficient and, accordingly, time to file written statement stands extended upon payment of cost of **Rs.10,000/-** to be paid in favour of the **Calcutta High Court Legal Services Committee**, positively within **a week** from date.

Upon production of the money receipt, the department shall accept the written statement within a further period of **two weeks** from the date of deposit of cost and the written statement shall be taken on record.

The suit register shall accordingly be reflected showing filing of the written statement by the defendant.

On the above terms, this application, **IA No.GA-COM/3/2026** stands allowed.

(ANIRUDDHA ROY, J.)

bp.