

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

IA NO. GA-COM/5/2025
In CS-COM/793/2024

THE ROMAN CATHOLIC ARCHDIOCESE OF CALCUTTA AND ORS
Vs
CREATIVE CONSULTANTS

BEFORE :
THE HON'BLE **JUSTICE ANIRUDDHA ROY**
Date : 04th December, 2025.

Appearance :
Mr. Mainak Bose, Sr. Adv.
Mr. Lakshinath Bhattacharyya, Adv.
Ms. Somasree Saha, Adv.
... for the appellant.

Mr. Rishabh Karnani, Adv.
Mr. Sourath Dutt, Adv.
Mr. Sanjay Baid, Adv.
... for the respondent.

The Court :- This is an application filed by defendant praying for following reliefs:-

“a) To extend the time to file the additional written statement as granted by order dated 22.07.2025 passed by His Lordship the Hon’ble Justice Krishna Rao.

b) To grant leave to affirm the said additional written statement which was stamp and punched on 17.03.2025 after correcting the typographical error that has occurred in paragraph 2 of the solemn order dated 22.07.2025 considering the live streaming of the Hon’ble Court dated 22.07.2025 as detailed in the application.

c) To pass any other order or orders as Your Lordship may deem fit and proper.”

The order dated **July 22, 2025** passed in **IA No. GA-COM/2/2025** by the coordinate Bench has already taken care of the issue involved in

this application. The relevant portion from the order dated **July 22, 2025** is quoted below:-

“1. The defendant has filed an application being GA-COM/2/2025 praying for filing additional written statement only to the effect to deal with paragraph nos. 51 and 52 of the plaint.

2. Counsel for the defendant submits that the defendant has received the writ of summons along with copy of the plaint but in the plaint, page no.22 was not available which carried paragraph nos. 51 and 52 and as such while filing the written statement, the defendant could not deal with the statement made in paragraph nos. 51 and 52 but subsequently, on request of the defendant, the plaintiffs have served page no.22 and accordingly, the defendant has affirmed the additional written statement dealing with paragraph nos. 51 and 52 of the plaint.

3. Counsel for the plaintiff has raised no objection for acceptance of the additional written statement only with regard to the contentions made in paragraph nos. 51 and 52 of the plaint.

4. In view of the above, the defendant is granted leave to file additional written statement dealing with paragraph nos. 51 and 52 of the plaint within a period of one week from date after serving the copy of the same to the Learned Counsel for the plaintiffs.”

Mr. Mainak Bose, learned senior Advocate appearing for the applicant/defendant submits that though it was recorded in the order dated **July 22, 2025** that the additional written statement had been affirmed dealing with paragraph nos. 51 and 52 of the plaint but on scrutiny of the record it appeared that the affirmation was not there and as such the Department has not accepted the same.

Today, Mr. Rishabh Karnani, learned Advocate appearing for the plaintiff has taken an objection and submits that since the rigour and mandate of 120 days from the date of service of writ of summons mentioned under the amended Order VIII Rule 1 of Code of Civil Procedure (in short

“CPC”) had expired the opportunity to file written statement has been forfeited by the defendant itself.

After considering the rival submissions of the parties and on perusal of the materials on record, it appears to this Court that the defendant has acted bona fide as would also be evident from the order **dated July 22, 2025**, It was due to the plaintiffs fault as the complete set of the plaint was not served upon the defendant and the defendant should not be penalized for that.

However, keeping in mind the mandated period under the amended Order VIII Rule 1 of CPC the defendant shall amend the written statement by incorporating the necessary paragraphs dealing with the said two paragraph nos. 51 and 52 of the plaint in accordance with law.

The Department shall carry out the amendment and complete the procedure for the amended written statement positively within four weeks from the date of communication of this order to the Department.

Accordingly, **IA No. GA-COM/5/2025** is **disposed of**.

(ANIRUDDHA ROY, J.)

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