

OD-24 & 25

ORDER SHEET

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

IA No. GA/1/2023
In CS/150/2023

POOJA JAISWAL
-VS-
SUNIL KUMAR SHAW AND ORS

&

IA No. GA/2/2023
In CS/150/2023

POOJA JAISWAL
-VS-
SUNIL KUMAR SHAW AND ORS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : September 11, 2024.

Appearance:

Mr. Altamash Alim, Adv.
Mr. Sumit Biswas, Adv.
Ms. Rajashree Bhowmick, Adv.
...for the plaintiff

Mr. Varun Kothari, Adv.
Ms. Sreetama Biswas, Adv.
Mr. Arya Bhattacharyya, Adv.
...for the defendant no.1

Mr. Asoke Basu, Adv.
...for the defendant no.2

The Court: Mr. Altamash Alim, learned advocate, is appearing for
the plaintiff.

Mr. Varun Kothari, learned advocate, is appearing for the
defendant no.1.

Mr. Asoke Basu, learned advocate, is appearing for the defendant no.2.

Counsel for the plaintiff has filed affidavit-in-reply in connection within GA/1/2023 and affidavit-in-opposition in connection with GA/2/2023 after serving copy to the learned counsel for the defendants.

Counsel for the defendants raised objection and submitted that the affidavit-in-opposition and affidavit-in-reply cannot be taken on record as by an order dated 22nd March, 2024 this Court has given last opportunity to the plaintiff to file affidavit within two weeks but the plaintiff has not filed the affidavit within two weeks.

Learned counsel for the plaintiff submits that affidavit-in-opposition and affidavit-in-reply duly sent to the defendants through e-mail and due to change of advocate on record of the plaintiff there was some delay but there is no deliberate delay on the part of the plaintiff to file affidavit-in-opposition and affidavit-in-reply of the respective applications.

Heard the learned counsel for the respective parties.

Perused the affidavit-in-opposition and affidavit-in-reply.

This Court finds that both affidavits have been affirmed on 15th April, 2024 and by the order dated 22nd March, 2024 the affidavit is to be affirmed within two weeks. There is some delay in affirming the affidavits.

This Court finds that only for some technical reason, opportunity should not be curtailed for filing affidavits.

Accordingly, affidavit-in-opposition and affidavit-in-reply are accepted and be kept with the record.

Counsel for the defendants prays for time to file affidavit-in-reply in connection with GA/2/2023. Reply thereto, if any, be filed within two weeks thereafter.

List both the applications for hearing on 14th November, 2024.

(KRISHNA RAO, J.)

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