

**In The High Court at Calcutta  
Commercial Division  
Original Side**

**IA NO. GA-COM/1/2026  
In CS-COM/165/2025**

VINOD KUMAR MITTAL  
Vs  
SUKESH ROY AND ANOTHER

**BEFORE:  
The Hon'ble JUSTICE ANIRUDDHA ROY  
Date : May 5, 2026.**

Appearance:  
Mr. K.C. Garg, Adv.  
...for the petitioner.

Mr. Shuvojeet Gupta, Adv.  
Ms. Shipra Naskar, Adv.  
...for the defendant no. 1

The Court: Mr. K.C. Garg, learned advocate appears for the plaintiff.

Mr. Shuvojeet Gupta, learned advocate appears for the defendant no.

1.

Defendant no. 2 is not represented.

This is an application for extension of time to file written statement by the defendant no. 1.

The last order dated **April 13, 2026** speaks for itself.

The report of the Office of Deputy Sheriff, dated **April 27, 2026**, on record, shows that the writ of summons served through speed post with AD was delivered on **December 27, 2025**. The defendant no. 1 submits that it has received the writ of summons on **December 23, 2025**. The master summon has been taken out on **April 7, 2026** and the supportive affidavit has been filed on **April 9, 2026**, praying for extension of time.

The above facts show that the application has been taken out praying for extension within the mandated **120 days** from the date of service of the writ of summons, as mandated under **Rule 1 to Order VIII of CPC**, as amended.

Right to file written statement by a defendant is a vested right unless taken away by statute. On the sufficient grounds being shown in the supportive affidavit, this Court is of the considered view that time to file written statement can be extended.

In view of the above, time to file written statement stands extended till within **two weeks from date**, subject to payment of cost of **Rs. 5,000/-** in favour of "**Calcutta High Court Legal Services Committee**".

The money receipt showing the payment of cost shall be produced before the department at the time of filing of the written statement and the department then shall accept the written statement and make it part of the suit record. The suit register would reflect accordingly.

It is clarified that the defendant no. 2 has not filed any written statement.

On the above terms, this application being **IA NO. GA-COM/1/2026** stands allowed.

**(ANIRUDDHA ROY, J.)**

Arsad