

OD-5

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS 250 OF 2022

IN THE MATTER OF:
ASHA BANSAL AND ORS.
VS
CHANDER SUREKHA

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 24th February, 2023.

Appearance:
Mr. Meghnath Dutta, Adv.
Mr. Rajesh Upadhyay, Adv.
For plaintiffs
Ms. Arpita Saha, Adv.
Ms. Rituparna Chatterjee, Adv.
Mr. A. Munshi, Adv.
For defendant

The Court:- The suit though is appearing as an undefended suit as the sole defendant had entered appearance pursuant to the service of the writ of summons but did not file the written statement.

The defendant appears through advocate and seeks time to file written statement. Although, the appropriate course would be to direct the defendant to take out a formal application for extension of time to file written statement but to avoid unnecessarily delay, the time to file written statement is peremptorily extended till 17th March, 2023 subject to payment of costs assessed at 100 GMS. payable to the plaintiffs. The plaintiffs also do not seriously object to the extension of time to file written statement as the same will expedite the hearing of the suit which would otherwise get delayed, if the defendant is asked to make a formal application.

The department shall accept the written statement if filed within the extended time provided the cost as directed is paid prior thereto.

Let the suit go out of the list for the time being.

The parties will be at liberty to approach the Registrar, Original Side, High Court for subsequent steps if the written statement is filed as the suit in such a case will have to be tried as a defended suit.

(ARINDAM MUKHERJEE, J.)

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