

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

In CS/312/2015
IA NO. GA/1/2025

YOGI SEAWAYS PVT LTD
Vs
THE BOARD OF TRUSTEES FOR THE PORT OF
KOLKATA

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 1st December, 2025

Appearance:
Mr. S. Shah, Adv.
Mr. K. Shah, Adv.
...for the Petitioner.

Mr. S. Mukherjee, Adv.
Ms. K. Banerjee, Adv.
Ms. S. Agarwal, Adv.
...for the Respondent.

The Court: GA 1 of 2025 is filed by the Plaintiff, praying for recalling the Order dated 13th November, 2025.

In terms of the Order dated 13th November, 2025, Defendant was allowed time to file written statement on or before 27th November, 2025. It was noted that Plaintiff was absent on that date. It is contended in the application that the Defendant entered into appearance on 20th June, 2016 but failed to file written statement in the meantime, the effect of which is a lengthy delay of almost thirteen years without cogent reason. It is further contended that whenever there should be a

change of advocate that should be intimated to the other side in terms of the Original Side Rule which has not been followed in this case by the Defendant. It was also contended that on 13th November, 2025 for sufficient reason, Plaintiff could not be present in the Court. In the background of this factual matrix, the Order dated 13th November, 2025 it sought to be recalled.

The Learned Counsel for the Defendant submitted that the written statement has been filed in the Department with Vokatnama.

The Learned Counsel for the Plaintiff relied on various orders of this Court whereby prolonged delay was not condoned by this Court. It was further argued by the Learned Counsel for the Plaintiff that there is no reason to accept written statement after prolonged delay.

This Court earlier called for a report from the Department on date of service of summons. On 27th November, 2025 when the matter was called the Defendant submitted that the Defendant submitted that the written statement is ready to be filed. Accordingly, the matter was adjourned to today. It was in the report that summons were served and the Defendant may appearance on 20th June, 2026. There was no written statement. Written statement had not filed till that day and the Plaintiff has failed to proceed with the suits since then. In other words, for a prolonged period just as Plaintiff did not take steps to proceed with the matter Defendant also did not take care to file written statement. As of now, written statement has already been filed on that 27th November, 2025.

Both the Learned Counsels referred to various orders and decisions where delays were not condoned or condoned. These decisions were passed in the context of their own factual layers.

Considering the facts and circumstances I am not inclined to allow the application for recalling the Order dated 13th November, 2025.

GA 1 of 2025 accordingly stands disposed of.

Let the written statement be accepted kept in record.

Fix 9th January, 2026 for framing of issue.

(SUGATO MAJUMDAR, J.)