



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1456 of 2026

CNR No. ODHCC010646912026

M/s Nayak Construction

Petitioner(s)

Mr. S.G. Das, Advocate

-Versus-

State Bank of India

Opposite Party (s)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

10.09.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. The Petitioner has filed this CMP with a prayer to quash the order dated 20.07.2026 passed by the learned Senior Civil Judge (Commercial Court), Bhubaneswar under Annexure-4.
3. Learned counsel for the Petitioner submits that the Petitioner had filed written statement along with a petition for acceptance of the written statement in C.S No.221 of 2025 before the learned Senior Civil Judge (Commercial), Bhubaneswar. The learned Senior Civil Judge (Commercial), Bhubaneswar had rejected the application for acceptance for written statement vide order dated 20.07.2026 on the



ground that the time period of 120 days for filing of written statement has expired.

4. The relevant portion of the said order is extracted hereinbelow: -

"xxx xxxx xxx

Heard both parties. On perusal of the case record, it is found that the defendants have filed their written statement after expiry of 120 days from the date of service of summons. The above fact is also admitted by the defendant. In the case of M/s. Scg Contacts India Pvt. Ltd. Vs. Chamankar Infrastructure Pvt. Ltd. AIR 2019 SO 2691, it was held that "what is of great importance is the fact that beyond 120 days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record." In view of the above settled position of law, the defendant have no right to file their written statement after expiry of 120 days from the date of service of summons in a commercial suit. Accordingly, the petition is rejected. Put up on 02.09.2026 for cross-examination of P.W.I and payment of cost of Rs.500/-."

5. Upon hearing the learned counsel for the Petitioner and on going through the documents available on record, this Court does not find any infirmity in the order dated 20.07.2026 passed by the learned



Senior Civil Judge (Commercial Court), Bhubaneswar under Annexure-4.

6. Accordingly, the CMP stands dismissed.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali