

31.07.2024
(D/L-19)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2673 of 2024

Sri Vimal J. Bavishi & Anr.
-Vs-

Sri Gaurav V. Sanghvi & Ors.

Mr. Debajyoti Mondal,
... For the Petitioners.
Ms. Shohini Chakraborty,
Mr. Prajaaini Das,
.... For the O.P. No. 1.

The plaintiffs in a suit for declaration and recovery of possession are the petitioners of the instant application under Article 227 of the Constitution of India which is directed against the order dated May 13, 2024 passed by the 3rd Additional Court of learned Civil Judge (Junior Division), Alipore, District-24-Parganas (South) in the said suit being Title Suit No. 1 of 2016.

The learned Trial Judge by the order impugned, has allowed an application for amendment of the written statement filed by the defendant no. 1, the opposite party no. 1 herein.

Mr. Debajyoti Mondal, the learned advocate for the petitioners submits that the trial of the suit has commenced long back in the year 2017, therefore, the amendment should not have been allowed.

Ms. Shohini Chakraborty, learned advocate for the opposite party no. 1, submits that the facts

sought to be incorporated in the written statement by way of amendment are the events happened subsequent to the commencement of trial.

It appears from the said application for amendment that the defendant no. 1, by the proposed amendment has sought to bring on record the fact of execution of some deeds, executed subsequent to the commencement of trial, therefore, the proviso to Order VI Rule 17 of the Code of Civil Procedure is not a bar in allowing the said application for amendment.

The order impugned, for the aforesaid reason, does not call for any interference.

C.O. 2673 of 2024 is therefore dismissed without any order as to costs.

The suit since is pending since 2011, the learned Trial Judge is requested to expedite the disposal of it and in doing so, shall not grant any unnecessary adjournment to the parties.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)