

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.49 of 2025

Smt. Kalyani Debnath, wife of Sri Rakhal Debnath, resident of Sonai Road, Silchar, P.O. Link Road – 788006, P.S. Rangirkhari, District – Cachar, Assam (represented by her constituted Attorney, Sri Rajesh Debnath);

.....Plaintiff -Petitioner(s);

Versus

1. M/S Hindustan Steel Works Construction Limited (HSCL), (A Government of India undertaking), 5/1, Commissariat Road (Hastings), Kolkata-700022, (represented by its Head Project Tripura Unit), Jackson Gate, 3rd Floor, Lenin Sarani, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura;

.....Defendant – Respondent(s);

2. The State of Tripura, represented by its Secretary, Public Works Department, Government of Tripura, Agartala Civil Secretariat, P.O. Kunjaban-799006, P.S. New Capital Complex, District- West Tripura;
3. The Empowered Officer, PMGSY, Public Works Department, New Secretariat Complex, P.O. Kunjaban-799006, P.S. New Capital Complex, District- West Tripura;
4. The Federal Bank Limited, Silchar Branch, Shyama Prasad Road, Shillong Patty, P.S. Sadar, District- Cachar, Pin-788001;

.....Proforma-Defendant – Respondent(s);

For Petitioner(s) : Mr. Abhijit Sengupta, Advocate.

For Respondent(s) : Mr. D. Sarma, Addl. Government Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

O-R-D-E-R

01/08/2025

In this revision petition, petitioner questioned order dated 09.06.2025 of the Judge, District Commercial Court, West Tripura, Agartala, refusing to permit the petitioner to amend the plaint.

2. Admittedly, the amendment application was moved when the matter was posted for final arguments seeking to add certain paragraphs in paragraph No.10 of the plaint. The reason given for not seeking the amendment previously, in the application filed seeking amendment, was that certain documents came to light on 08.11.2024 and 15.05.2024.

3. The trial Court rejected the application for amendment stating that the application for amendment of the plaint was filed 09 years after filing of the suit, without giving any acceptable explanation in justification of the inordinate delay in filing those documents, and also stating that the petitioner was not at all diligent and serious in raising the matter before the commencement of trial.

4. Though the counsel for the petitioner sought to contend that the pleading now sought to be introduced is only going to provide more clarity to the original pleading, I am not inclined to accept the said submission in view of the proviso to Order VI, Rule 17 of the CPC which prohibits application for amendment to be allowed after the trial has commenced unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial. The same is also being reiterated in ***State of Madhya Pradesh Versus Union of India and Another*** reported in ***(2011) 12 SCC 268***.

5. In the facts of the case, the reason assigned for not seeking amendment before the trial has commenced, does not appear to be convincing, particularly since the reason for extension of time could have

been pleaded in the plaint as originally filed even if the documents in support thereof became available later. Nine years after filing of the suit, such an application could not have been filed and it indicates absence of due diligence on the part of the plaintiff in not raising the same before the commencement of trial.

6. Therefore, the instant revision petition fails and is dismissed.

(M.S. RAMACHANDRA RAO, CJ)

