

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.56/2025

Sri Nishi Kanta Roy, Son of Late Sashi Mohan Roy, Resident of Nayapara,
P.O. & P.S.-Dharmanagar, District-North Tripura.

..... Petitioner(s).

V E R S U S

1. Dharmanagar Municipal Council, represented by the Chief Executive Officer, Dharmanagar Municipal Council, Dharmanagar, North Tripura.

2. The Chief Executive Officer, Dharmanagar Municipal Council, Dharmanagar, North Tripura.

..... Respondent(s).

For Petitioner(s) : Mr. Sishir Chakraborty, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Advocate.

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

Order

17/12/2025

This Revision is filed challenging the order dt.22.07.2025 passed by the Civil Judge (Sr. Division), North Tripura, Dharmanagar in Civil Misc. No.139 of 2025 arising out of T.S. No.40 of 2023.

2. The petitioner is a plaintiff in the said suit.
3. He filed the said suit for declaration of his title to the suit schedule property and for recovery of possession of certain parcel of land mentioned in the schedule to the suit.
4. Thereafter, written statement was filed by the respondents.
5. Petitioner then filed an amendment application seeking amendment of certain pleadings which was allowed on 12.03.2025 and amended plaint was filed on 28.03.2025.
6. Subsequently, the petitioner moved another amendment application seeking to enhance the area of property which was the subject matter of the schedule in the original plaint by way of another amendment.

7. It was contended on behalf of the petitioner that after going through the additional written statement filed by the respondents, he discovered certain other mistakes in the amended plaint which was filed on 28.03.2025 and that further amendments to the plaint are warranted.

8. The Court below, however, dismissed the said application stating that the petitioner had shown a negligent attitude for contesting the suit and had wasted the time of the Court. It also observed that it would change the nature and character of the suit.

9. Both reasons assigned by the Court below do not appear to be correct.

10. While deciding the correctness of the amendment sought, the merits of the amendment cannot be gone into.

11. It is not the case of the respondents that the trial had already commenced, and there is a bar to seeking amendment of the plaint under proviso to Order VI Rule 17 of CPC because in the instant case, even the issues have not been framed.

12. The original suit had been filed seeking relief of declaration of title and recovery of possession of a certain parcel of land. Merely because more land is sought to be included in the schedule to the original plaint, it cannot be contended that it would change the nature and character of the suit.

13. Also sometimes parties and their counsel do not see what omissions they have made while drafting the plaint or by filing an amendment petition, and only later they realize that better pleadings or particulars may be required. As long as the trial has not commenced and as long as there is no change in nature and character of the suit, there is no harm in permitting such amendments.

14. Therefore, the order dt.22.07.2025 passed by the Civil Judge (Sr. Division), North Tripura, Dharmanagar in Civil Misc. No.139 of 2025 arising out of T.S. No.40 of 2023 is set aside and the second amendment application filed by the petitioner is allowed.

15. The petitioner shall file amended plaint after incorporating the amendments now sought and serve it on the counsel for the respondents within two weeks from today. Thereafter, the respondents are permitted to file another additional written statement meeting the allegations in the amended plaint filed by the petitioner within 4(four) weeks thereafter.

16. The Revision Petition is allowed to the above extent.

Pending application(s), if any, stands disposed of.

(M.S. RAMACHANDRA RAO, CJ)

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