

09,SL,Ct.23.
27.11.2020.
AJ.

C.O. 1350 of 2020
(Through Video Conference)

Sachindranath Mishra
-Vs-
Sk. Piyaaruddin

Mr. Rabindranath Mahata,
Mr. Aritra Shankar Ray.
... for the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for defamation and is directed against Order No. 48 dated September 17, 2019 passed by the 1st Court of the learned Civil Judge (Senior Division), Tamruk, district Purba Midnapore in Money Suit No. 5 of 2011.

The learned Trial Judge by the Order No.39 dated April 7, 2018 allowed an application under Order 6 Rule 17 of the Code of Civil Procedure filed by the plaintiff seeking amendment of the plaint and in pursuance thereof the plaintiff filed amended plaint.

The defendant/petitioner filed an application for rejection of plaint complaining that the amended plaint is not in conformity with the amendment sought for and allowed.

The learned Trial Judge by the order impugned has dismissed the said application

holding that there are some mistakes in the amended plaint but the same seems to be due to inadvertence and directed the plaintiff to take steps for making necessary correction in the amended plaint.

I do not find any jurisdictional error in such approach of the learned Trial Judge warranting interference with the order impugned.

C.O. 1350 of 2020 is, therefore, dismissed.

There shall be no order for costs.

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.)