

21-01-2020
Court No.3
(Susanta)
SI/09.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 55 OF 2019

**Sri Suresh Rava
Vs.
Smt. Jero Salem Ekka & Ors.**

Mr. Bikramaditya Ghosh.

. . .For the Petitioner.

None appears on behalf of the opposite party in spite of service.

The defendant in a suit for restoration of possession is the petitioner of the present revisional application Under Article 227 of the Constitution of India and is directed against order dated June 14, 2019 passed by the learned Civil Judge (Junior Division) Alipurduar in Title Suit no. 54 of 2012.

The learned Trial Judge by the order impugned has allowed the prayer of the plaintiff/opposite party no. 1 for amendment of the plaint.

The trial of suit has commenced.

On perusal of the application for amendment it appears that no explanation has been offered in the said application satisfying the requirement of the proviso appended to Order VI Rule 17 of the Code in

allowing an application for amendment of pleadings after commencement of trial.

The application for amendment is liable to be dismissed on the said ground alone.

The order impugned therefore suffers from material irregularity and is set aside.

C.O. 55 of 2019 is allowed.

There shall be no order as to 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.)