

30th July,
2021
(AK)
15

C.O. 59 of 2020

**Himangsu Maity alias Himangsu Sekhar Maity
Vs.
Sri Gugal Krishor Jana and others**

(Via video conference)

Mr. Sounak Bhattacharya
Mr. Sounak Mondal

...For the Petitioner.

Mr. Amit Baran Dash

...For the Opposite Parties.

Learned counsel for the petitioner, being the pre-emptor in a proceeding under Section 8 of the West Bengal Land Reforms Act 1955, argues that the trial court acted without jurisdiction in rejecting the amendment application of the petitioner, despite such amendment being intended only to rectify a clerical error.

Learned counsel submits that, for the ends of justice, the amendment, seeking to incorporate an additional Dag number in the schedule of the pre-emption application, ought to have been allowed to avoid multiplicity.

Such contentions, however, are controverted by learned counsel appearing for the pre-emptees/opposite parties, who submits that the amendment application was filed only at the argument stage and would change the entire complexion of the suit.

It appears from the records that the trial court took into consideration the fact that the amendment was filed at the stage of arguments and after completion of trial to fill up lacunae on the part of the petitioner.

Hence, sufficient reason was disclosed in the impugned order for the trial court to have exercised its judicial discretion in rejecting such a belated amendment. There is no scope of interference with such an order under Article 227 of the Constitution of India.

Accordingly, C.O. 59 of 2020 is dismissed on contest.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)