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SK
Ct. No. 18
22.02.2021

**C.O. No. 216 of 2021
(Via Video Conference)**

**Jay Das alias Joydeb alias Joydeb Chandra Das
Vs.
Rambali Singh & Ors.**

Mr. Subrata Ghosh ... For the petitioner.

Mrs. Shohini Chakraborty,
Ms. Prajaaini Das ... For the O.P. Nos. 1 & 2.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction of a licensee and is directed against order dated March 2, 2020 passed by the 5th Court of learned Civil Judge, (Junior Division), at Alipore, District 24 Parganas (South) in Title Suit No. 204 of 2006.

The opposite party nos. 1 and 2 are the transferees pendente lite and they are proceeding with the suit after obtaining leave of the Court under Order XXII Rule 10 of the Code of Civil Procedure.

The leave so granted was subject to the condition that they will proceed with the said suit from the stage where it had reached as on the date of grant of such leave to them.

The opposite parties after being added in the connected suit as plaintiffs filed an application under

Order VI Rule 17 of the Code of Civil Procedure seeking amendment of the plaint.

The learned Trial judge by the order impugned has allowed the said application.

The grievance of the petitioner is that the order impugned offends the condition of the grant of aforesaid leave.

The leave under Order XXII Rule 10 of the Code was granted to the opposite parties at the stage when the suit was fixed for argument, therefore, the grievance of the petitioner is well justified.

The order impugned, for the said reason, is not sustainable and is accordingly set aside.

C.O. 216 of 2021 is allowed. 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.)