

(88)
22.02.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO 811 of 2020

Sri Anil Kumar Dey Biswas
-versus-
Sabita Dey Biswas & ors.

Mr. Kumar Jyoti Tewari,
Mr. Tarun Jyoti Tewari, ... for the petitioner.

Mr. Siva Prasad Ghose,
Ms. Debjani Ghosh Roy, ... for the opposite parties.

The plaintiff in a suit for eviction is the petitioner of instant application under Article 227 of the Constitution of India which is directed against the order No. 156 dated October 11, 2018 passed by the 4th Court of learned Civil Judge (Junior Division) at Sealdah in Title Suit No. 196 of 2004.

The learned Trial Judge by the order impugned has dismissed the two applications filed by the petitioner; one under Order VI Rule 17 of the Code of Civil Procedure and another under Section 151 of the Code.

The petitioner is aggrieved by the part of the aforesaid order whereby his application under Order VI Rule 17 of the Code seeking amendment of the plaint has been dismissed.

The petitioner by the proposed amendment wants to correct the Deed number through which he is tracing his title over the suit property. The Deed number due to typographical mistake has been mentioned in the plaint as Deed No. 1990 instead of 1993.

The amendment sought for is absolutely formal in nature. The learned Trial Judge is not justified in refusing the prayer of the petitioner for amendment of the plaint particularly when the said Deed has been proved and marked as Exhibit in the suit.

The order impugned is therefore set aside. The application for amendment is allowed and be treated as a part of the plaint.

CO 811 of 2020 is allowed with the above terms. No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)