

(06)
16.03.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 492 of 2021

**Sri Mrigendra Mohun Dhar
-versus-
Shri Ajay Kumar Thakkar**

Ms. Sweta Gandhi Murgai,
Ms. P. Gandhi,
... for the petitioner.

This 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 the order dated September 2, 2019 passed by the learned Civil Judge (Senior Division) at Sealdah in T.S. No. 153 of 2017.

The learned Trial Judge by the order impugned has allowed an application filed by the plaintiff/opposite party seeking amendment of the plaint.

Ms. Sweta Gandhi Murgai, learned advocate for the petitioner, submits that the plaintiff by the proposed amendment is seeking to counter the case disclosed in the written statement as such the amendment sought for is prejudicial to the petitioner.

The trial of the suit has not yet been commenced. The plaintiff may be inspired by the facts disclosed in the written statement to amend his plaint, whether he will ultimately be able to prove the said case or not is not a relevant

consideration at the stage of allowing or rejecting the prayer for amendment of pleadings.

The entire case is on the board, the parties are required to prove their respective case in course of trial of the suit, the apprehension of the petitioner that he will be prejudiced if the amendment of the plaint sought for is allowed is misconceived.

The learned Trial Judge therefore has not committed any error in allowing the said application for amendment of the plaint.

The revisional application being CO 492 of 2021 is dismissed. No order as to costs.

However, time to file the additional written statement to the amended portion of the said plaint is extended for a further period of two weeks.

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

(Biswajit Basu, J.)