

15.03.2021
Ct. 19
D/L 16
ab

C.O. 498 of 2021
(Via Video Conference)

Sanjit Adak & Anr.
-Vs-
Smt. Chaya Rani Chowdhury

Mr. Pratik Kumar Bhattcharrya,
Mr. Aniruddha Bhattacharjee,
... for the petitioners

Mr. Anit Kumar Rakshit,
... for the opposite party

This revisional application has been filed challenging an order dated January 9, 2020 passed by the learned Civil Judge (Junior Division), Tamluk in OS (Other Suit) No. 139 of 2015. By the order impugned the prayer of the petitioners for filing additional written statement under Order VIII Rule 9 of the Code of Civil Procedure was rejected.

It appears from the order impugned that the learned Court below rejected the said application on the ground that the averments/pleadings sought to be incorporated by filing the additional written statement was also sought to be incorporated by way of an amendment and the said amendment was disallowed by this Court in C.O. 2536 of 2017.

Mr. Rakshit, learned advocate for the opposite party submits that the petitioners' prayer cannot be entertained by this Court.

However, once the learned Court below has exercised its discretion and passed the order impugned, unless there is blatant perversity in the order

impugned, this court should refrain from interfering. Having taken note of the above facts and the contentions of the parties, I do not find any illegality in the order impugned. The revisional application does not merit any consideration.

On the prayer of the learned advocate for the petitioners, that three suits between the parties are pending in two different Courts and this Court may direct the suits to be heard analogously before the higher Court in which one of the suit is pending, I am of the view that the petitioner shall be at liberty to make the prayer before the appropriate Court under the Code. If any such application is made the same shall be disposed of in accordance with law.

The revisional application is, thus, disposed of.

This Court has not gone into the merits of the claim and the counter claim of the parties and the learned Court below shall proceed on its own merits in accordance with law.

There shall, however, be no order as to costs.

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

(**Shampa Sarkar, J.**)