

5,DL,Ct.18.
23.04.2021
AJ.

C.O. 794 of 2021
(Via Video Conference)

Sri Bhanu Karmakar
-Vs-
Sri Krishnendu Sarkar

Mr. Shuvanil Chakraborty.
... for the petitioner.

The defendant in a suit for eviction is the petitioner of the present application under Article 227 of the Constitution of India.

The petitioner is challenging the Order No.24 dated November 27, 2019 passed by the 2nd Court of the learned Civil Judge (Junior Division), district Purba Bardhaman in the said suit being Title Suit No. 27 of 2017.

The learned Trial Judge by the order impugned has allowed an application under Order VI Rule 17 of the Code of Civil Procedure filed by the plaintiff seeking amendment of the schedule of the plaint.

The plaintiff by the proposed amendment is seeking to correct the description of the suit property under the schedule appended to the plaint of the said suit on the ground that due to typographical mistake there is some error in describing the suit property.

The trial of the suit has not yet been commenced. The learned Trial Judge has considered that such amendment is necessary for the determination of the real controversy between the parties and in exercise of his discretion has allowed the said application for amendment.

This Court under Article 227 of the Constitution of India is not inclined to interfere with the exercise of such discretion when there is nothing on record to suggest that the said discretion has been exercised arbitrarily.

C.O. 794 of 2021 is dismissed without any 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.)