

09,Ct.18
07.10.2021
AJ.

C.O. 958 of 2021
(Via Video Conference)

Sk. Arzed Ali & Anr.
-Vs-
Sk. Ali Hossain & Ors.

Sk. Abu Abbas Uddin,
Ms. Nahid Rahman.
....for the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for declaration of title and is directed against Order No. 67 dated March 18, 2021 passed by the Additional Court of the learned Civil Judge (Junior Division) at Serampore, District- Hooghly in the said suit being Title Suit No. 151 of 2015.

The learned Trial Judge by the order impugned has dismissed an application filed by the defendants seeking amendment of written statement on the ground that such amendment has been sought for after commencement of trial of the said suit.

Trial of the suit has admittedly commenced, on perusal of the application under Order VI Rule 17 of the Code of Civil Procedure filed by the petitioners, it appears that no explanation as required under the proviso appended to Order VI Rule 17 has been offered.

Therefore, the learned Trial Judge has not committed any error in dismissing the said application.

The impugned order, for the aforesaid reason, does not call for any interference.

C.O. 958 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.)