

05,Ct.18
01.10.2021
AJ.

C.O. 969 of 2021
(Via Video Conference)
Mr. Sanjay Kumar Singh
-Vs-
Sri Ranjay Singh

Mr. Avijit Ghoshal.
....for the petitioner.

Mr. Tarak Nath Halder.
....for the opposite party.

The defendant in a suit for partition is the petitioner of the present application under Article 227 of the Constitution of India which is directed against order dated November 27, 2019 passed by the learned Civil Judge (Senior Division) at Sealdah in the said suit being Title Suit No. 185 of 2016.

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

The learned Counsel for the petitioner submits that the learned Trial Judge should not have allowed the application for amendment of plaint keeping the application under Order VII Rule 11 of the Code of Civil Procedure pending.

The learned Trial Judge found that the proposed amendment is necessary for the effective adjudication of the disputes between the parties and has allowed the application for amendment of plaint in exercise of his discretion.

This Court does not find any reason to interfere with the exercise of such discretion.

There is no illegality and/or infirmity in the order impugned. C.O. 969 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.)