

06.12.2021
Item No. 56
Court No.18
A.J.

C.O. 3795 of 2019
(Through Video Conference)

Kashudiram Mondal & Ors.
-Vs-
Balai Mondal & Ors.

Mr. Rabindra Nath Mahata,
Mr. Aritra Shankar Ray.
...for the petitioners.
Mr. Sudeep Sanyal,
Mr. Snehasis Jana.
...for the opposite party no.1.

The plaintiffs in a suit for declaration of title and injunction are the petitioners of the present application under Article 227 of the Constitution of India which is directed against Order No. 92 dated September 04, 2019 passed by the Additional Court of the learned Civil Judge (Junior Division), Garhbeta, District Paschim Midnapore in the said suit being Title Suit No. 43 of 2014.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners seeking amendment of the plaint on the ground that the trial of the suit has commenced and it has reached to the stage of argument.

The petitioners are seeking amendment of the plaint only to justify the custody of a Kabuliat

original of which is already on record and the Trial Court vide Order No. 81 dated October 12, 2018 has recorded that the plaintiffs are at liberty to mark the said original document as exhibit by following the proper procedure as per law.

The said deed is well within the reference of the pleadings of the parties. Therefore, to mark it further pleadings are not necessary.

The learned Trial Judge, therefore, has rightly dismissed the application for amendment of the plaint.

C.O. 3795 of 2019 is disposed of with the above terms without any order for costs.

The learned Trial Judge is requested to dispose of the suit as expeditiously as possible.

Mr. Mahata, learned Counsel appearing on behalf of the petitioners submits that there are pending applications.

Needless to say that those applications are required to be disposed of before disposal of the said suit.

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.)