

16.03.2022
Item No.13
Court No.18
AJ.

C.O. 436 of 2022

Sri Pulak Ranjan Paul & Ors.
-Vs-
Mousumi Bhattacharya

Mr. Supriya Ranjan Saha,
Mr. Suman Kumar Mukherjee.
....for the petitioners.

Mr. Pratush Patwari,
Mr. Anup Kumar Singh.
.....for the opposite party.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for eviction and is directed against order dated February 01, 2022 passed by the 5th Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 651 of 2000.

The learned Trial Judge by the order impugned has refused to grant leave to the petitioner to file subsequent pleadings under Order VIII Rule 9 of the Code of Civil Procedure.

The petitioners sought such relief to file additional written statement to bring the fact on record that the tenants of the second floor and third floor have vacated their respective possessions in the suit premises in favour of the plaintiff during the pendency of the suit.

The provision of Order VIII Rule 9 of the Code does not confer any right on a party to file

additional written statement by way of subsequent pleadings, they can only do so only being 'required' by the Court.

The suit is at the argument stage, the subsequent pleadings were not required by the Court, as such, the learned Trial Judge has rightly refused to grant the relief as prayed for by the petitioners.

C.O. 436 of 2022 is disposed of with the above terms 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.)