

14.03.2022  
Item No.21  
Court No.18  
AJ.

**C.O. 3223 of 2019**

**I.A. No. C.A.N. 1 of 2021**

**Seahawk Dealers Pvt. Limited**

**-Vs-**

**Ammad Laskar & Ors.**

Mr. Subhankar Nag,  
Mr. P. Sancheti,  
Mr. Biswajit Chowdhury.  
....for the petitioner.

Mr. Bhudeb Chatterjee,  
Mr. Basudeb Ghosh.  
.....for the opposite parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant no.12 in a suit for partition and is directed against Order No. 79 dated September 05, 2019 passed by the 1<sup>st</sup> Court of the learned Civil Judge (Senior Division), Baruipur, District South 24-Parganas in the said suit being Title Suit No. 460 of 2014.

The learned Trial Judge by the order impugned has allowed an application filed by the plaintiff/opposite party no.1 seeking amendment of the plaint.

Mr. Nag, learned advocate appearing on behalf of the petitioner submits that the proposed amendment, if allowed, would change the complexion of the suit in its entirety. He also submits that the alleged date of acquisition of

knowledge of the facts sought to be incorporated by the proposed amendment was on 2012 not on 2018 as alleged by the plaintiff.

He further submits that his client has purchased a portion of the suit property to exploit it commercially, pendency of the suit is causing severe hardship to his client.

The plaintiff is trying to delay the disposal of the suit; seeking amendment of the plaint is a ploy to achieve the said target.

Having heard Mr. Nag, learned Counsel for the petitioner and Mr. Chatterjee, learned Counsel for the opposite parties and on going through the materials-on-record, this Court is of the opinion that whether the plaintiff ultimately would be able to prove the case sought to be incorporated by the proposed amendment is not a relevant consideration while deciding an application for amendment. That apart, the trial of the suit has not yet commenced.

This Court, therefore, is not inclined to interfere with the order impugned.

The anxiety of Mr. Nag is well appreciated, the learned Trial Judge, therefore, is requested to expedite the disposal of the suit as early as possible in accordance with law and in doing so, shall not entertain the prayer of the parties for any unnecessary adjournment.

The additional written statement to the amended plaint, if not already filed by the petitioner is extended for a period of two weeks from date.

The plaintiff is required to take appropriate steps, if not already taken, for service of summons upon the non-appearing defendants within a week from date.

C.O. 3223 of 2019 is disposed of with the above terms without any order as to costs.

In view of the disposal of the revisional application, no further order on the connected application being C.A.N. 1 of 2021 need be passed and the same is disposed of accordingly.

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.)**