

10.05.2022
(D/L-14)
Ct.-18
(Susanta)

C.O. 3488 of 2019

Uttam Saha
-Vs-
Swapan Saha & Ors.

Mr. Biswarup Biswas,
.... For the Petitioner.

Mr. Somnath Roy Chowdhury,
Ms. Arunima Das Sharma,
.... For the Opposite Parties.

Affidavit-of-service filed on behalf of the
petitioner in Court today be kept with the record.

The revisional application under Article 227
of the Constitution of India is directed against
the order no. 32 dated January 08, 2019 passed
by the Additional Court of learned Civil Judge
(Junior Division), Krishnanagar, District- Nadia.

The petitioner is the defendant no. 1 of the
said suit.

The petitioner feeling aggrieved by the
rejection of his application seeking amendment of
the written statement under Order VI Rule 17 of
the Code of Civil Procedure, has preferred the
present revisional application.

The fact that the mother of the petitioner,
during the pendency of the suit, has transferred
one decimal of land in his favour, is sought to be
incorporated in the written statement by the
proposed amendment, as the subsequent event.

In the written statement, the petitioner is claiming that he is residing in and carrying on the business on the suit property on the strength of the title of his mother over it.

Therefore, incorporation of the said fact of *pendent lite* transfer of the suit property or any part thereof is of no relevance in the suit.

The learned Trial Judge is absolutely justified in rejecting the prayer of the petitioner, the stage of the suit is also a relevant consideration in refusing the said prayer of the petitioner, as rightly held by the learned Trial Judge.

The order impugned does not call for any interference.

C.O. 3488 of 2019 is dismissed for the aforesaid reason 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.)