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Ct. 18
24.02.2022

**C.O. No. 3643 of 2019
(Via Video Conference)**

**Manoranjan Gayen
Vs.
Sankar Das & Anr.**

Mr. Gouranga Kumar Das ... For the petitioner.

Mr. Partha Sarathi Mondal ... For the opposite parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration of title and eviction of licensee and is directed against the order dated September 07, 2019 passed by the learned Civil Judge, (Junior Division) at Kakdwip, District – 24 Parganas (South) in the said suit being Title Suit No. 175 of 2009.

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

The plaintiff by the proposed amendment sought to incorporate the facts relating to the Homestead Case No. 157 of 2000 and the orders passed therein in the plaint.

The learned Trial Judge found that the certified copy of the orders and other documents of the said case were obtained by the plaintiff seventeen years back and the application has been filed after expiry of ten years from the date of institution of the suit.

The trial of the suit has commenced, on perusal of the application under Order VI Rule 17 of the Code, it appears that no explanation whatsoever has been offered satisfying the requirement of proviso appended to under Order VI Rule 17 of the Code.

The learned Trial Judge therefore is absolutely justified in dismissing the said application. The order impugned does not call for any interference.

C.O. 3643 of 2019 is dismissed without any order as to costs.

The learned Trial Judge, however, is requested to expedite the disposal of the suit in accordance with law as it is pending since 2009.

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.)