

16.06.2022
Item No.03
Court No.18
AJ.

C.O. 3887 of 2008

Sabyasachi Patra & Anr.
-Vs-
Biharilal Barik

Mr. Tanmoy Mukherjee,
Mr. Soumik Ganguly.
....for the petitioners.

Mr. Suprabhat Bhattacharya,
Ms. Deblina Mukherjee.
.....for the opposite party.

The revisional application is at the instance of defendant nos. 1 and 2 in a suit for declaration and is directed against Order No. 29 dated August 28, 2008 passed by the learned Civil Judge (Junior Division), Kakdwip in the said suit being Title Suit No. 121 of 2007.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners seeking amendment of plaint holding that the proposed amendment contradicts the earlier stand of the petitioners.

The correctness of such finding need not be gone into in view of the fact that the trial of the suit has commenced but no explanation has been offered by the petitioners as to why such amendment could not be sought for earlier as such, the proposed amendment is hit by the restrictions contemplated under the proviso appended to Order VI Rule 17 of the Code of Civil Procedure.

The order impugned for the aforesaid reason does not call for any interference.

C.O. 3887 of 2008 is dismissed without any order as to costs.

Lower Court Records be sent down to the Court below immediately by Special Messenger at the costs of the petitioners, such costs be put in within a week from date.

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.)