

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 371 of 2023

Subimal Chakravarti & Anr.
Vs.
Jaba Ballav & Anr.

Mr. Anirban Mitra
Mr. Amit halder
Mr. Md. Wasim Akram
Ms. Madhumita Sadhukhan
... For the petitioners/defendants

The order no.45 dated 17th December, 2022 passed by the learned Civil Judge (Senior Division), 2nd Court, Tamluk, Purba Medinipur, in connection with Title Suit No.161 of 2018 is challenged in this application.

Learned advocate appearing on behalf of the petitioners/defendants has assailed the directive portion of the order whereby the learned Judge has given a liberty to file amendment application afresh.

On careful scrutiny of the order impugned, I find that the learned Judge gave the liberty as the amendment petition was filed with proposed schedule bearing no meaning and that is why the learned Judge gave liberty to file afresh after rejecting the application for amendment subject to payment of costs of Rs.1,000/-.

On careful perusal of the copy of the plaint together with the impugned order, I do not find any

illegality in the order itself. Thus, the revisional application is liable to be dismissed and is accordingly dismissed.

However, learned Civil Judge (Senior Division), 2nd Court, Tamluk, Purba Medinipur, is requested to hear the application for amendment filed in compliance with the order dated 17th December, 2022 on the date fixed for hearing, after giving an opportunity of hearing to both the parties to the suit.

Learned advocate appearing on behalf of the petitioners/defendants is at liberty to bring this order to the notice of the learned Civil Judge (Senior Division), 2nd Court, Tamluk, Purba Medinipur, forthwith.

All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)