

21.08.2023
Sl. No.8(DL)
srm

C.O. No. 406 of 2023

Ms. Riya Banerjee

Versus

United Bank of India & Ors.

Mr. Asit Baran Raut,
Mr. Tuhin Subhra Raut,
Ms. Ishita Raut

...for the Petitioner.

This revisional application has been filed challenging an order dated November 4, 2022 passed by the learned Civil Judge (Senior Division), 9th Court at Alipore, South 24-Parganas, in Money Suit No.250 of 2009. An application filed by the Punjab National Bank for amendment of the plaint was allowed.

According to the petitioner, the application could not be allowed as the Punjab National Bank was not a party to the suit. An application for amendment of pleadings could only be filed either by the plaintiff or by the defendant but not by a rank outsider. The learned court below upon considering the rival contentions of the parties came to the conclusion that the amendment would not change the nature and character of the suit. The same was necessary for effective adjudication of the dispute and would prevent multiplicity of litigation.

In my opinion, the application for amendment was in effect and application for substitution upon devolution of interest of the United Bank of India in favour of the Punjab National Bank *vide* Gazette Notification No.133 dated March 4, 2020 issued by the Government of India. The court allowed incorporation of the name of the Punjab National Bank instead and in place of United Bank of India.

This Court is of the view that the petitioner's contention with regard to the amendment of pleadings is correct. However, nomenclature does not either affect the validity or veracity of an application. In effect, the application filed by the Punjab National Bank was an application for substitution upon devolution of interest in view of the amalgamation of United Bank of India with Punjab National Bank under Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970. The application filed under Order VI Rule 17 of the Code of Civil Procedure shall be treated as Order XXII Rule 10 of the Code of Civil Procedure and this Court is of the view that for proper and effective adjudication of the dispute between the parties and to avoid multiplicity of proceedings, the formal substitution was rightly allowed. Although, the learned court may have proceeded as if the same was an amendment application, the ultimate decision

was correct and hence the revisional application does not require any interference.

The revisional application is disposed of with the above clarification.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)