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C.O. 950 of 2023

Barun Kumar Das.
Vs.
Sukumar Bhakat.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
Mr. Soumik Dey ... for the petitioner.

This revisional application has been filed challenging the order no.33 dated 24th January, 2023 by which the learned Civil Judge (Junior Division), 2nd Court, Jangipur, Murshidabad disposed of two applications for amendment under Order VI Rule 17 of the Code of Civil Procedure, 1908.

Learned Advocate appearing on behalf of the petitioner has drawn my attention to the order no.9 dated 4th January, 2021 whereby the application under Order VI Rule 17 of the Code of Civil Procedure, 1908 was already disposed of by the Learned Judge and therefore further disposal of the same application by the order dated 24th January, 2023 does not make any difference. With regard to the application under Order VI Rule 17 of the Code of Civil Procedure, 1908 dated 17th August, 2022, learned Judge allowed the application before commencement of trial and also recorded the reason that

allowing the application does not change the nature and character of the suit at all.

On careful perusal of the application under Order VI Rule 17 of the Code of Civil Procedure, 1908 dated 17th August, 2022, I find that the proposed amendment does not change the nature and character of the suit in any manner whatsoever by supplying the pleading that the subject property was unpartitioned land and supplying the number of deed by which the pre-emptee purchased the land.

In the aforesaid facts and circumstances, I find no reason to interfere with the order dated 24th January, 2023 passed by the learned Civil Judge (Junior Division), 2nd Court, Jangipur, Murshidabad in connection with Misc. L. R. Case No.05 of 2020 invoking the power under Article 227 of the Constitution of India.

Learned Advocate appearing for the petitioner is at liberty to communicate the order to the learned Trial Court below.

With the aforesaid observation, this revisional application stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Hon'ble Court.

(Bibhas Ranjan De, J.)

