

August 22, 2023
Sl. No.17
Court No.19
s.biswas

CO 2535 of 2022

Sri Tushar Manna and another
vs.
sri Utpal Hatui and others

Mr. Abir Lal Chakraborty

... for the petitioners

Mr. Raghunath Chakraborty

Mr. M. Ahmed

... for the opposite parties

The order impugned dated July 29, 2022 passed by the learned Civil Judge (Junior Division), Additional Court, Serampore, in Title Suit No. 248 of 2020, does not call for any interference. The learned court below rightly rejected the application for amendment of the plaint.

As per the plaint case, the petitioners/plaintiffs stated that they were in possession of the suit property. That an order of permanent injunction was required to prevent the defendants from selling out the suit property behind the back of the petitioners on the basis of their names having been entered in the record of rights.

In the application for amendment, neither the factum of dispossession nor the date and time of dispossession have been mentioned. The learned court below found that only to avoid the question of limitation, the prayer for recovery of possession was sought to be incorporated without details.

I have gone through the application for amendment. The said application does not mention

anything about subsequent dispossession. No date and time of any dispossession at all has been mentioned.

Mr. Chakraborty, learned advocate for the opposite parties, submits that there were other proceedings which would indicate that the defendants were in possession since long and on such ground alone, the prayer for injunction had been refused. A suit was filed by the predecessor in interest of the plaintiff for declaration and recovery of possession, being Title Suit No.3 of 2000. The suit was dismissed by judgment and order dated February 3, 2015.

The revisional application is dismissed.

However, this dismissal shall not prevent the petitioners from approaching the learned court below with better particulars, if permissible in law.

All the parties are directed to act on the basis of the server copy of the order.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)