

10.10.2023
Sl. No.44(DL)
srm

C.O. No. 3224 of 2023
Balai Santra @ Balai Chandra Santra
Versus
Swapan Koley & Ors.

Mr. Rajdeep Bhattacharya,
Mr. Sauradeep Dutta

...for the Petitioner.

The revisional application arises out of an order dated June 30, 2023 passed by the learned Civil Judge (Junior Division), 2nd Court, Chandernagore, District-Hooghly, in Title Suit No.88 of 2020.

By the order impugned, the learned court below allowed an application for amendment. By the said application for amendment, the plaintiff wanted to introduce certain averments challenging the validity of a sale deed being Deed No.7603 of 1977.

The factum of existence of the said deed was brought on record by the defendants in the written statement, which was filed on November 11, 2021. The application for amendment was filed on April 10, 2023. Thus, it cannot be said that the amendment challenging the validity of the deed of 1977 and the insertion of a prayer for cancellation of the said deed is *ex*

facie barred by law. The plaintiffs claim to have acquired knowledge of the alleged transfer from the written statement which was filed on November 18, 2021. Within less than two years from such knowledge, the application for amendment, challenging the said deed was filed. A prayer for cancellation was also made. The merits of the amendment cannot be decided at this stage. The issues raised by the petitioners in the objection filed to the amendment application and also in the revisional application shall be decided on its own merits on evidence, at the trial.

The revisional application is accordingly dismissed.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)