

16.04.2024
Sl. No.61
Ct. 19
sayandeep

CO 81 of 2024
Dipankar Mondal & ors.
Vs.
Kartik Chandra Das & ors.

Mr. Sounak Mondal
Mr. Abhirup Halder
...for the petitioners
Mr. Sankar Prasad Dalapati
Mr. Sourav Mondal
.... for the Opposite Party

1. The revisional application arises out of an order dated November 24, 2023 passed by the learned Civil Judge (Junior Division), 3rd Court, Baruipur, 24 Parganas South in Title Suit No. 130 of 2023.
2. By the order impugned, learned Court allowed an application for amendment of the plaint. Learned Court was of the view that although in paragraph 2 of the plaint, the plaintiffs had mentioned that they were the President and Secretary of Ramkrishna Ashram Marketing Centre Steering Committee. Inadvertently, in the cause title of the plaint, the name of the Ramkrishna Ashram Marketing Centre had been omitted. The plaint was filed as though the plaintiffs were filing the suit in their personal capacity.

3. Mr. Mondal, learned advocate appearing on behalf of the defendants assails the order of the learned Court on the following grounds:
 - a. The learned Court failed to appreciate that the suit was filed in the personal capacity of the plaintiffs and not as the office bearers of the Steering Committee of the Centre.
 - b. The nature and character of the suit was altered on account of such amendment.
 - c. The amendment was an afterthought only to fill up lacuna in the pleadings.
 - d. The amendment application and the schedule of amendment was also lacking in material particulars. There was no clarity as to who was the Secretary and who was the President.
 - e. The learned Court found from the combined reading of the pleadings would clearly indicate that the plaintiffs had mistakenly omitted to include the name of Ramkrishna Ashram Marketing Centre in the cause title although the suit was filed in the name of the centre through the President and Secretary as its office bearers. Accordingly, the Court rightly allowed the application for amendment.

The order impugned does not call for any interference. The nature of the suit is not altered. The amendment is not barred by law. The amendment was also not filed at a belated stage. It is bonafide and required for the ends of justice.

4. The revisional application is disposed of accordingly.
5. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)