

14.08.2024
Item No.7, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 257 of 2024

I.A. No. CAN 1 of 2024

Prabir Banerjee

-Vs-

Susmita Dutta

Mr. Sk. Abdur Rahim.
.....for the petitioner.

Mr. Chirantan Sarkar.
.....for the opposite parties.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction and is directed against Order No. 104 dated December 04, 2023 passed by the 1st Court of the learned Civil Judge (Junior Division) at Chandernagore, District : Hooghly in the said suit being Title Suit No. 356 of 2017.

The learned Trial Judge by the order impugned has dismissed an application for amendment of written statement.

The learned Advocate for the petitioner submits that the amendment sought for to incorporate the subsequent events in the written statement therefore, restriction of the proviso under Order VI Rule 17 of the Code of Civil Procedure is not applicable in the present case.

Perused the application for amendment, it appears that in the application for amendment

except the allegation that the facts sought to be incorporated by way of amendment are subsequent events there is no other element in support of such allegation. The learned Trial Judge, therefore, is absolutely justified in dismissing the said application.

For the above reason C.O. 257 of 2024 is dismissed without any order as to costs.

The learned Trial Judge is requested to conclude the cross-examination of P.W.1 without granting any unnecessary adjournment to the parties.

In view of the dismissal of the revisional application, the connected application for vacating the interim order has become infructuous, as such, CAN 1 of 2024 is also dismissed without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)