

S/L 6
23.7.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 329 of 2024
With
CAN 1 of 2024
[Application not in the file]

Amal Kumar Das
Vs.
Kamal Das & Anr.

Mr. Saunak Bhattacharyya

...for the Petitioner.

Ms. Sarmistha Ghosh Sarma

...for the Opposite Party No.1.

The matter though has been brought to the list for extension of interim order but by the consent of the parties, it is taken up for final disposal.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration which is directed against Order No.67 dated December 14, 2023 passed by the learned Civil Judge (Junior Division), Kakdwip in the said suit being Title Suit No.362 of 2017.

The learned Trial Judge by the order impugned has dismissed the application for amendment of plaint at the argument stage.

The application for amendment does not offer any explanation as to why such amendment could not be prayed for prior to commencement of the trial of the suit, as such is hit by the restriction contemplated under the proviso appended to Order VI Rule 17 of the Code of Civil Procedure.

The learned Trial Judge, therefore is absolutely justified in dismissing the said application.

CO 329 of 2024 is dismissed without any order as to costs.

In view of the disposal of the revisional application, CAN 1 of 2024 has become infructuous and is also disposed of accordingly.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)