

11.06.2024
(M/L-42)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 443 of 2024

Smt. Mira Roy

-Vs-

Dhakalia Investments Limited & Ors.

Mr. Sharanya Chatterjee,

Mr. Subham Ghosh,

... For the Petitioner.

Mr. M. P. Gupta,

Ms. Antara Panja,

Mr. Sartak Singh,

.... For the Opposite Party Nos. 1-2.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The plaintiff in a suit for declaration of title is the petitioner of the instant revisional application under Article 227 of the Constitution of India which is directed against the order dated November 17, 2023 passed by the 5th Court of learned Civil Judge (Junior Division), Howrah, in the said suit being Title Suit No. 44 of 2013.

The learned Trial Judge by the order impugned has dismissed an application filed by the plaintiff praying amendment of the plaint on the ground that the trial of the suit has commenced.

The plaintiff, by the proposed amendment has sought to throw a challenge to the veracity of the claim of the defendants of having possession over the suit property and recording of their names in the relevant Record of Rights.

The defendants in their written statement, since have taken such defence, the plaintiff, at the time of cross-examination, must have put her case in the mouth of the defendants' witness therefore, to nullify the said claim of the defendants, the plaintiff need not amend her pleadings at the fag end of the suit.

The order impugned, therefore, does not call for any interference.

C.O 443 of 2024 is dismissed without any order as to costs.

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

(Biswajit Basu, J.)