

05.08.2024  
(M/L-20)  
Ct.-19  
(Susanta)

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

C.O. 1319 of 2024

Nirjan Baral

-Vs-

Sri Baidyanath Mondal & Anr.

Mr. Subir Banerjee,  
Ms. Surasri Baidya,

... For the Petitioner.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction which is directed against the Order No. 21 dated March 16, 2024 passed by the 2<sup>nd</sup> Court of learned Civil Judge (Junior Division) at Serampore, District: Hooghly, in the said suit being *Title Suit No. 134 of 2021*.

The learned Trial judge by the order impugned has allowed an application for amendment of the plaint.

The plaintiffs by the proposed amendment have sought to incorporate the factum of death of one of the owners of the suit property and the execution of a development agreement in favour of M/s. BAR Construction, the opposite party no.2 herein by the heirs and legal representatives of the said deceased owner.

The death of the said owner since had occurred subsequent to the commencement of trial of the suit, the restriction under the *proviso*

appended to Order VI Rule 17 of the Code of Civil Procedure would not be a bar in allowing the said application for amendment, besides, for the effective adjudication of the dispute between the parties, such amendment is necessary; therefore the learned Trial Judge has not committed any error and/or acted with material irregularity in allowing the said amendment.

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

C.O. 1319 of 2024 is dismissed with the above observations without any order as to costs.

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 with all requisite formalities.

**(Biswajit Basu, J.)**