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July 24
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Ct. 19
03.07.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 1391 of 2024

**M/s. United Welding Works, represented by one
of its partner namely Ranjit Jaiswal @ Ranjit
Kumar Jaiswal
Vs.
Sri Amit Kumar Chamaria & Anr.**

Mr. Ayan Banerjee,
Mr. Dev Kumar Sharma ... For the petitioner.

The defendant in a suit for eviction is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against the Order No. 117 dated September 22, 2023 passed by the 1st Court of learned Civil Judge, (Junior Division) at Howrah, in the said suit being Title Suit No. 143 of 2010.

The learned Trial Judge by the order impugned has allowed an application filed by the plaintiffs praying amendment of the written objection to the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997.

The learned Trial Judge is deciding the said application on remand and has been allowed said application for amendment taking into consideration the terms of the order of remand i.e. *it is incumbent upon the plaintiffs to disclose as to how they have become the owners of the suit property at least in the written objection to the application under Section 7 (2) of the said Act of 1997.*

The fate of the suit largely depends upon the determination of the controversy regarding the disputed

relationship between the parties to the suit as such, the proposed amendment is necessary to set the said dispute at rest, besides the amendment has been allowed within the terms of the order of remand.

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

It is however made clear that it is open to the defendant to recall its witness to adduce evidence in rebuttal to the amended portion of the said written objection.

C.O. 1391 of 2024 is disposed of with the above terms 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.)