

08.08.2024
Item No.36, ML
Ct.19
A.J.

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

C.O. 1769 of 2024

**Dipen Bera & Ors.
-Vs-
Punyalata Mishra & Ors.**

Mr. Jayanta Das,
Ms. Soumita Ghosh.
.....for the petitioners.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant nos.3 to 6 in a suit for declaration and injunction and is directed against Order No.16 dated December 19, 2023 passed by the learned Civil Judge (Junior Division) at Dantan, District: Paschim Medinipur in the said suit being *Title Suit No. 112 of 2022*.

The learned Trial Judge by the order impugned has allowed an application under Order VI Rule 17 of the Code of Civil Procedure filed by the plaintiffs for amendment of the plaint.

The learned Trial Judge although has held that such amendment could have been prayed for earlier, but allowed the same on payment of costs considering that by the proposed amendment, the plaintiffs have sought to bring their chain of title over the suit property, the correctness of which is not a consideration in allowing the said application.

The suit being a suit for declaration of title, the amendments sought for is necessary for the effective adjudication of it.

The order impugned therefore does not call for any interference.

C.O. 1769 of 2024 is dismissed without any order as to costs.

The time to file additional Written Statement however is extended for a further period of **two weeks** from date.

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.)